

THE 15. J. a
Justice of Peace

Francis HIS *Hargrave*
CALLING
AND

QUALIFICATIONS.

Τίς μὲν γὰρ αὖ ἐν φροσῶν ἡδέως παρ' ἀνθρώποις φρονεῖσιν
αὐτῷ ζῶν; τίς δ' αὖ δημοσίον τι διοικῆσαι ἐπεθυμη-
θεῖν· μελλῶν, αὖ μὲν ἀποτύχη, δίκῃ ὑφέξειν αὖ ὃ
καταρδύσει, ζηλοτυπιδιήσει. Dion. Cass. lib. XXXVI.
Pag. 13.

Provida severitate cavisti, ne fundata Legibus Civitas, eversa
legibus videretur. C. Plin. Pan. Traj. Cap. XXXIV.

Thou shalt do no unrighteousness in judgment; thou shalt not
respect the person of the Poor, nor honour the person of the
Mighty: but in righteousness shalt thou judge thy Neigh-
bour. Lev. 19. v. 15.

By Edmund Bohun Esq;

L O N D O N,

Printed for T. Salusbury, at the King's-Arms
next St. Dunstan's Church in Fleet-street.

1693.

THE
MUSEUM OF THE
BRITISH

EMPEROR

OF THE

BRITISH



THE
P R E F A C E
TO THE
READER.

THe first thing that is usually inquired after in a Book, is, who writ it ? and according as the Author is liked or disapproved, the Sentence often is passed without taking the pains to examine one tittle of it.

Could my Name have given any Reputation to the Book, it had perhaps not been concealed ; but I am none of those, who have acquired any Fame in the World, nor of them that desire it.

The only design of these following Leaves, is, to do good ; and if I may attain my end, I desire no thanks : And if I miss it, I am as unwilling to reap Reproaches or Hatred ; so that if I may but be unknown, it is all I aspire to.

I am forced by my Subject, to reflect sometimes sharply on the Follies, and Vices
A of

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of Men in Authority, and I must expect this will anger them, and it will be a much easier Task (in revenge) to inquire into my faults, than to amend and reform their own; and if they can find me as culpable as themselves, this will be taken for a sufficient reason, why they should not endeavour to be better, because their Reprover hath his faults, as well as they, and, it may be, greater.

The Author of the Whole Duty of Man, and all those excellent Pieces that followed, is as much to be admired for his Prudent, and Modest Concealment of himself, as for any other thing; and I am fully perswaded that those pieces have done the more good in the World, because they seem to drop from Heaven, and no man claims the Honour of having written them. And as I have endeavoured to imitate that brave Man: so I should esteem it a mighty happiness, if I might be as little known, as he, and this discourse might but prove half so useful to the World, as any one of his have done.

*It was long since observed by Cicero,
“ That there was not any sort of Life, whe-
“ ther Publick or Private, at home or a-
“ broad, whether a man conversed with o-
“ thers, or himself only; which was desti-
“ tute of its peculiar Rules, and that the
“ Excel-*

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“ Excellence of Life consisted in Acting ac-
“ cording to them, all as Turpitude did in
“ neglecting them. And the Lord Bacon
in his Seventh Book of the Advance-
ment of Learning, having distributed
that part of Morality, which relate to the
Duties of Men, into the General, or Parti-
cular or Respective, according to every
mans Profession, Calling, State, Person,
and Degree, thus goes on. “ The first of
“ these, I have already observed, is di-
“ ligently Cultivated, and Explicated by
“ the Ancients, and others: and the latter
“ is by Parts also treated of, though I ne-
“ ver found it reduced into any perfect body
“ of Science, nor do I blame the thus hand-
“ ling of it in parts; and perhaps it is bet-
“ ter so to do. For who is of that Capacity
“ or Confidence, that he either can or dare
“ undertake to discourse and define perti-
“ nently, and to the Life, of the particular
“ and Relative Duties of all Orders, and
“ Conditions of Men? And those discour-
“ ses of such Subjects as these, which are
“ destitute of Experience, and are only
“ drawn from a General Knowledg, and
“ Scholastick Learning, for the most part
“ prove vain, and uselefs. For though the
“ Stander by do sometime see more than the
“ Gamester; and there is a Proverb which
“ is more bold, than sound, as it relates to

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*"the Censure of the Rabble concerning the
"Actions of Princes, That he that stands
"in the Vally can best view the Moun-
"tain, yet it were much to be wished, that
"no man would concern himself with these
"sorts of Subjects, but he that was very
"expert, and well acquainted with them.
"For the discourses of Speculative Men on
"Practical Subjects, seem nothing better
"to them that are Conversant, and acquaint-
"ed with them, than the discourses of
"of Phormio concerning War seemed to
"Hannibal, who took them for mere
"Dreams, and Delusions. But there is one
"fault usually attends this Experimental
"sort of Writers, that they never know
"when they have commended, and Extolled
"their Province enough.*

*Thus far that Great Man hath discoursed
of these sorts of Duties, but I having him in
Latin have perhaps taken off something of
the Elegance of his Stile, by turning it in-
to English: yet it will give the Reader his
sense of these undertakings, and whether
I have done my part well or ill belongs not
to me, but to him to determine; only I will
assure my Reader I did not consult many
Books for it, but I have rather endeavour-
ed to represent things as I found them by
Experience.*

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Nor do I know of any one who before me hath made any such Attempt, for tho many have written the Law-part both in former times, and of late; yet the Moral part is either totally neglected, or only to be found in Sermons, or some hints in other discourses, which are very much too short to give a clear, and satisfactory Account, and too much dispersed to be suddainly Collected.

Yet there is hardly any Subject, that more deserves or needs a discourse of this Nature, whether we consider the Office I treat of, or the persons that are employed in it.

The Office of a Justice of Peace is of a vast extent, and if my Reader be but pleased to consult the Heads of this discourse, he will find it is no barren Subject for Moral Reflections: there is no one Virtue in the World of which a Justice of Peace, as such, will not sometimes stand in need, and there is no Vice neither, which will not look worse in him than in another man; but I have only selected them that were most pertinent to my Subject, and for the rest my Reader may much better consult other Writers.

And I have endeavoured to discourse of Virtues, and Vices, in another manner than the Moralists usually do, and it did well be-

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fit me so to do, while I considered them as the Attendants of a publick person, which had a great influence upon the Community. For a good Justice of Peace is a publick blessing, and does more good by his example (or might do; if such were not too usually envied, and hated) than by his Authority.

And again, a Wicked Ruler by his ill example corrupts more, than he can reform by his Severity.

If we consider the persons, that execute this Office, such a discourse must needs be very useful; for tho the Arch-Bishop of Canterbury, and his Majesties Privy-Counsellors, and those Judges that go the several Circuits, and, in short, almost all the Great Ministers of State and Great Men of the Nation, are a part of them, and are named in all the Commissions; yet the persons who reside in the several Counties, and do actually execute the Office, are for the most part, Noble-men, and Lay-Gentlemen, or Lawyers; whose Education hath not generally necessitated them to those Studies, that are requisite to fit them for such Moral Reflections, and those, that are best acquainted with them, will yet be pleased perhaps to see this discourse ready laid together to their hands, and I am not without all hopes that some, or other may be so far displeased with what what I have done,
as

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as to do it better ; for I will not deny that the Subject deserves a better Head, and Pen than mine : and it would please me to see the use of this superseded by a better.

But till this is done, I have only one Request to make to my Reader, That he would candidly interpret what I have written ; not out of a design to find fault, and instruct my Betters ; but kindly to represent to them the loveliness of Virtue, and the baseness, and turpitude of Vice, that so my Reader may from thence take occasion to reform himself in what is amiss, and to give God hearty thanks for preserving him from the rest of those Crimes, which have not yet touched him.

And as for those, who may take exceptions, I do assure them I never intended to reflect personally upon any one man in the World, and I fear there is no one passage in the whole Book, but what may too pertinently be applyed to too great a Number of Men, I wish it were otherwise.

But then this may be added to the other Reasons I have given, why I have concealed my Name, to prevent the Rabble from making application of several of the worst parts of my discourse, to persons for whom they were never intended, and if they can once find out one, they will presently pretend they have found out all the rest, and this

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was meant of this man, and that of the other; and so I shall become accountable for all their wild Surmizes.

There is one other Exception which may lie against the whole, and that is, that by telling the World what sort of men Magistrates should be, I have given their Inferiours (who are also Naturally inclin'd to be more inquisitive into the faults of their Superiours, then into that which is their own duty) too great a temptation to consider what they are, or have been, and consequently to undervalue, and despise them: but this is in their own power in great part to prevent, by reforming what would have betray'd them to the scorn of the Many, tho I had never been born; for Virtue and Vice were well understood before this little piece was thought of, and men ever were, and always will be accordingly esteemed.

The late Lord Chancellor Clarendon, in a Circular Letter to all the Justices of the Peace in England, bearing date the 30th of March, 1665 tells them, " I assure you
" the King hath so great a sense of the service you do, or can do for him, that He
" frequently says, He takes himself to be
" particularly beholding to every good Justice of the Peace, who is Chearful and
" Active in his Place, and that if in truth
" the Justices of the Peace in the several
" Divi-

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“ Divisions be as careful as they ought to
“ be in keeping the Watches, and in other
“ parts of their Office (the keeping up their
“ Monthly Meetings, and suppressing Con-
“ venticles &c.) the Peace of the King-
“ dom can hardly be interrupted within,
“ and the Hopes and Imaginations of Sedi-
“ tious Persons, would be quickly broken,
“ and all men would study to be quiet, and
“ enjoy those many blessings God hath given
“ the Nation under this happy Govern-
“ ment.

All this is certainly true, and tho the times were then, as they are now, very unquiet, and there was a formidable Conspiracy then set on foot by the Republicans, and Dissenters of the Nation, yet the sole Vigilance and Care of the Justices of the Peace disappointed it, and made it end in Smoke, to the Eternal Reproach, and Dishonour of the Conspirators, which shews the excellence and usefulness of this Order of men.

Yet give me leave to say, that those good Justices of the Peace, who are most Active and Chearful in their Places, are not always either the Richest, and Greatest, or the best beloved, and most favoured by the rest. And for this, Sir Thomas Egerton, Lord-Keeper of the Great Seal, in the 44th of Elizabeth, in a Speech made the 13th of February, 1601. in the Star-Chamber,

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Chamber, by her Majesty's express Command, and Printed in the end of the *Historical Collections* of the four last Parliaments of her Reign, shall be my witness, who thus complained, "Is there any more
"fervent than others, in the business of
"the Common-wealth? he straight hath
"given him the Epithite of a busie Jack:
"but I know there be many good, and I wish
"their number were increased; but who
"be they? Even the poorer and meanner
"Justices, by one of which more good cometh to the Common-wealth, than by a
"Hundred of greater condition, and degree.

I wish this complaint were superannuated, and that our times were quite otherwise, but alas such Justices of the Peace must not only be content to hear worse Language than this; but there is too frequently Combinations made amongst the rest, to cross and quash whatever they shall propose, be it never so just, and reasonable, and nothing alledged for it, but that they are mean, proud, busie people, and will perk up too much above their Betters, if they be not thus mortified, and kept under, this is the worst sort of Respect of Persons, that can be thought of, and most mischievous and irrational, that whereas Envy ever riseth by Nature, here it descendeth, and the Superiour,

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riour, who should love and cherish the Industry and Vigilance of his Inferiour, envieth and hateth him for being more serviceable, than he need perhaps to have been.

But let it be considered, who reaps the Advantage of all their Industry and Activity, but the King and Kingdom, and these very men, that thus severely treat them; if there were none such the Nation must needs in a small time be ruined, for as the Lord Chancellor Clarendon takes notice in the above Cited Letter. " So much Artifice, so much Industry, and so much dexterity as this People (the Enemies of the Government) are possessed with, cannot be disappointed by a Supine Negligence or Laziness in those, who are invested with the Kings Authority, or indeed without an equal industry, dexterity and combination between Good Men for the Preservation of the Peace of the Kingdom, and for the suppressing of the Enemies thereof. Now if instead of this, the Justices of the Peace combine in Parties one against another, and the Great men will neither do the duties of their Places themselves, nor suffer the meaner, but more active, to do it for them; what can be the event in the end, but this, That like a City besieged without, and divided within, we must sooner or later fall a Prey

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Prey to our Enemies, without Remedy or Pity?

But if these great men were capable of Reason, there would be no need of this, and as they are not it is in vain to offer it, and therefore I must Address my next request to the Judges and Ministers of State, that they would sometimes enquire in to this, and without regard to the Fortunes or Titles of men, support and incourage the more useful (if occasion so require) against the more Potent.

*I hope there will not be many occasions for this, but there may for what followeth, and therefore I will propose it in the words of the present Lord-Keeper in his Speech to Mr. Serjeant Sanders, at the the time he was sworn Lord Chief Justice of the Kings-Bench, on Tuesday the 23d of January, 1682. Pag. 8, 9. "The Age is degenerate
"and full of Faults; Faults of Irreligion,
"Morality, Debauchery, Quarrelling, False-
"ness and Faction, so full of Faults that it
"requires more then a man to censure them,
"You will therefore consider that inferi our
"Magistrates, and inferiour Jurisdictions
"are to take a great part of this labour
"off your hands, in that regard you
"will upon all Occasions encourage and
"direct them to make them useful to you,
"and not overthrow their Proceedings
"upon*

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“ upon every slight Exception, to drive
“ People to begin their Process here at
“ greater charge. And when Justices of
“ the Peace act candidly, tho not with so
“ much skill in the Law, you will shew ten-
“ derness to them, as Gentlemen that serve
“ the King, and the Publick for nothing,
“ and have not those Assistances of Council
“ and Officers that are here.

It were, it may be, but reasonable, that this tenderness should not only be shewed to their Proceedings, but also to their Persons and Estates, especially those of the meaner sort, that so men may be the more easily induced to undertake the Publick Service: as for instance, in an easie excusing their Attendance at the Assizes, when they have no particular business, that doth require their presence there. For seeing other Gentlemen of the like fortune, who are not Justices of the Peace, do seldom happen to be summoned above once in two years, it seems a little hard to force these to come twice in one year, merely to fill the Bench with unprofitable Spectators at so great a Charge to them, tho I know also that much may be learned by such an Attendance, and there is no fear but as many, as can will take the opportunity of it; but this being but my private opinion, is submitted intirely to the Judgment of my Superiours, and had not
been

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been mentioned, but because the reason my Lord Chancellour gives seems to extend to it.

The Lord Chancellor Clarendon complains, in the Letter I have so often mentioned, "That many persons, who are in the "Commission of the Peace, neglect to be "sworn. And tells us His Majesty had "given Order to his Attorney-General to "proceed against them. This hath been often since complained of by the Judges of Assise in their Circuits also, but till the root of this mischief be cut, it will never be otherwise, as these things now stand, no man that is in the Commission of the Peace, can have this Dedimus Potestatem, without he pay about four Pounds for it: and it being an employment which can bring him nothing but expence, and trouble, it is no great wonder that men are not very willing to part with their Money for it, and so many having stood a year or two, and t' e Officers at last despairing to get any thing of them, are either left out gratis, or for a small matter. So they that serve the King for nothing pay for it, and the rest scape better cheap: and on these Terms it is no wonder if there be frequent occasions for Complaints.

*But this is not all, worthy, and good men who are fit to serve the King, do thus avoid
the*

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the service, & they that are no way qualified for it, being more willing to part with their Money get into the imployment, which they manage accordingly.

To prevent all which inconveniencies, it were much more for his Majesties Service, that the Dedimus Potestatem were freely sent down, and the Officers rewarded for it out of the Exchequer.

But if this be not approved, it were better the Money were paid by the Treasurer of the Division, to which such new made Justices belongs; and indeed seeing the Country will reap the greatest advantage by it, it is most reasonable they should pay the Charge of the Enterance, which may be done by a short Act of Parliament.

It would not be reasonable only to make the Enterance into this Honourable, and Troublesome Imployment more easie; but the execution too. And to that purpose, I will presume to offer a few more Considerations to my Superiours. In many Cases there are so many, and various Acts of Parliament, that a man knows not which to proceed upon, and they are sometimes contrary one to another. Now if these were reduced into one, and all the rest repealed, it would much facilitate the execution of the Commission of the Peace.

For

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For instance, there are a great many several Acts of Parliament, concerning the repair of the High-ways, and they all are difficult to be executed in relation to the chief thing, the Provision of Carriages, that depending upon the determination of a Plough-Tilth, which no body knows what it is, and yet if it were never so well known, that would not mend the matter much, because considerable quantities of Land would never be brought into this so necessary Work, what quantity soever were assigned to it, and many rich men would do little or nothing, and leave the burthen upon the poorer sort of men.

14 cap. 6.

22 cap. 12.

There have been two or three Temporary Acts of Parliament made since his Majesties Restauration, to enable the Surveyers to repair the Ways by a Rate or Land-Tax, but they are all expired. Now, if this course were settled forever for the Carriages, and only the Cottagers tied to do so many days work, all the other Acts of Parliament might be spared.

But it would not be amiss then to give the Justices of the Peace power to determine what should be paid by the Load for Sand, Gravel, and other materials taken out of private mens grounds, or the waists of other Mannors, where there is a want within the respective Parishes, without obliging them

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them to fill up the places, which is sometimes impossible, for want of matter, and always very chargeable.

The Statutes, which concern the settlement, and Provision for the Poor, need a review too, and some alteration, and when this is done, I recommend it to the consideration of wise men, whether it would not be adviseable to give Power to the Grand-Juries, and Justices of the Peace, Assembled in their Assizes, to make By-Laws with the Consent of the Judges, and to repeal, alter, or change them as occasion requires, because this Affair is so different in one place, from what it is in another, that it can hardly be brought under one general Rule; and it seems but reason to intrust such, and so many Gentlemen, with a Power which is granted to almost every petty Corporation.

So likewise the Statute concerning Lands 39. Eliz. 6. given to Charitable uses, might be made much more useful, by Communicating that Power to any 4 Justices of the Peace, without a Commission out of the Chancery, and allowing an Appeal to the Sessions, with a Tryal by Jury. And indeed all Lands given to Charitable uses would be better employed, if accounts were given to the Justices of the Peace, which is already given in relation to those that are given to the repair

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of

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† 13 & 14. of † High-ways, and the Relief of * Goals,
c. 2. c. 6. and Prisoners, and there is the same rea-
son for the rest.

There is one thing of which no care was
ever taken, that I know of, and that is,
for Guardians for such Children as are nei-
ther so poor, as to be a Charge presently to
the Parish, and yet have not such Estates,
as to be able to bear an Application to the
Chancery for that Purpose, many of which
become at length a Charge to the Parish,
when what was left them, is consumed.
Which might be prevented by giving the
Quarter Sessions power to appoint them
Guardians, and take security of them for a
good Account, altering and changing them as
occasion serves, and compelling them to ac-
count, and make payment without Suits of
Law, which such poor Orphans Estates will
not bear.

There are too many other things to be
brought into a Preface, to so small a Dis-
course as this, and therefore I will omit
them, but there is one I cannot pass over:
I could never yet learn any power that was
given to the Justices of the Peace, to Sum-
mon or Compel Witnesses to appear in the
Sessions, except it were against Felons.
Now it is most certain no Case can be ended
without them, and that very often they will
not appear without Compulsion, and so many a
good

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good Cause must and doth miscarry. And this a thing as worthy of a short Act of Parliament, as any other I know of, if it were but to make the Remedy more Authentick.

There are many Passages in the present Lord-Keeper's Speech, which I have quoted above, that would have been of great use to me, if I had been so happy as to have seen it before I had finished this Piece, but there is one which I had much rather misplace here, then omit it altogether. Pag. the 6th.

A private man is praised for shewing Humility and Deference to others in his Conversation and passing by Indignities.

But a Judge (and so proportionably a Magistrate) must take greatness upon him; he must consider he represents the Kings Person in his Seat of Justice; he must therefore be very careful to preserve the Dignity, that belongs to it.

He must have passions, but not of a private man, that may disturb his Judgment, but he must assume Passion to set off his Severity, when the greatness of the Crime requires it, but it must be so, as it may appear that his Judgment governs his Passion, and directs it against the offence, and not against the Person.

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A Judge must be covetous, but not as a private man, for his own profit, but he must be very solicitous for the Kings profit, knowing that the Kings Revenue is like Animal Spirits, without which the Government would not be able to perform its ordinary Motions.

All which excellent Rules, the last not excepted, do belong as well to Justices of the Peace, as to the Judges, seeing so much of the Kings Revenue is committed to their care, and it is the worst sort of Treason, that can be to starve our Kings.

And now, if my Reader thinks fit to go on and read the Book too, let me conjure him to do it without Partiality, or Prejudice, and with a resolution to reform whatever he shall remark to be amiss in his own Person, or Practice, and when he hath so done I will ask him no favour, let him think and speak what he pleases of me, I care not how low I lie in his Esteem, how impertinent or tedious, unlearned or ignorant, may, how confident, or impudent I may seem to be, so I may do him good, and if nothing else will do, even anger him into an Amendment.

And if he will consider seriously of it, he must grant I can have no other end, because I write neither for Money, nor Preferment, nor Glory nor any other worldly interest, but merely for the publick good.

And

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And if any man is pleased with this Treatise, I only beg of him the favour of one hearty Prayer for me and mine, and the good success of this Discourse, that it may advance the Glory of God, the Execution of Justice and Judgment, and the Prosperity and Welfare of the best Church, the best King, and the best Civil Government in the whole World.

Living

And if any man is pleased with this Tra-
dite, I only beg of him the favour of one heart-
ly Prayer for me and mine, and the good suc-
cess of this Discourse, that it may advance
the Glory of God, the Execution of Justice

and Judgment, and the Prosperity and
Welfare of the best Church the best King.
Living at a great distance, these Erra-
ta's have been made, which the Reader is
desired to amend with his Pen, and to
Pardon the greater faults of the Author.

Errata.

Page 18. Line 7. dele *then*. l. 9. for *that* r. *then*. p. 31.
l. 22. for *easy* r. *rasy*. p. 32. for *profit* r. *Prophet*. p. 48.
l. 7. r. *Ruined*. p. 61. Parag. 2. *fine* dele *they find*. p. 102.
l. 10. for *have* r. *had*. p. 106. l. 10. for *would* r. *will*. p.
110. l. 17. for *has* r. *as*. P. 112. l. 18. for *mean* r. *can*. p.
142. l. 7. for *expect* r. *except*. p. 167. l. 19. for *take* r.
give.

6. Publick Qualifications

{ A Great Love of Justice.
Impartiality in Executing it.
Aversion for those things that
may hinder it ——— } Bribery.
Prejudice, and Prepossession.
Favour, and Hatred.

{ Covetousness.
Irregular Heats, and Hopes.
Laziness.

7. Knowledge in our
Laws and Customs

{ By Reading.
Observation and Practice.
Conversation, and Discourse with knowing and Experienced Men.

8. Prudent Execution of
our Laws by ———

{ Observing a due Method according to Law. 1. In calling the
Parties. 2. In hearing the Cause. And 3. In determining it.
Not denying, or delaying, or Perverting Justice.
Not Extending, or Diminishing his Jurisdiction.
Not Proceeding upon his Own Opinion, or Humour without
Good Warrant.

9. Abhorrence of Perjury

{ In himself by considering carefully the Oaths, which he hath
taken.
In others to be Avoided } Administer none, but Lawful, and Ne-
cessary Oaths.
by his care to ——— }

{ 2. To give good Admonitions, and
sharp Reproof in cause of failure.

To the Making of a Good Justice of the Peace these Things are required.

1. Natural Abilities { A Competent Apprehension.
Judgment.
Memory.

2. Civil Abilities { A Competent Estate.
A Good Reputation.
A reasonable good Education, and Learning.

3. Religious Dispositions { A due Veneration of God.
Love for his Service in himself and others.
A true Esteem of his Ministers.
An earnest Desire of the Salvation of all Under his Care, and Charge.

4. Moral Qualifications { Prudence in all his Actions. Patience, Meekness, Sobriety, Chastity, Industry. Courage, and Honesty in the Execution of his Duty. And Humility.

5. Politick Qualifications { A competent Understanding of the Nature of our Government, and Love to it.
Of the Nature of the *English* People.
Of the several Factions, that we have amongst us, and how to govern them.

{ A Great Love of Justice.

THE
Justice of Peace
 HIS
CALLING.
 A Moral Essay.

AS all the Works of God are perfect, so are they full of Variety, and Wonder, whether we Consider the Works of his Hands, the Fabrick of the World, and all the Beings in it, or the Works of his Providence in the Government, and Conduct of them, at once preserving what he has made, and so disposing them, as to produce those Effects for which they were Created, without their Knowledg, and sometimes against their Wills. *The Introduction.*

But tho this is true of all the Creatures, yet it is most apparent, and full of Wonder,

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when

when it is applyed to the Government of Mankind; for all the other Creatures do pay a blind, and unerring obedience to the Laws of their Creation, and do never transgress willingly, but Man being endued with discursive Faculties, and Corrupted by the Fall, doth very often act against what he knows to be his Duty, and as often mistake it.

But then if we consider the Mass of Mankind, we shall find that there is nothing in the whole World more Uncertain, and Unconstant, than Men, changing like the wind very often to the quite opposite Points of the Compass, without any Reasonable, and sometimes without any Sensible Cause.

Yet in this they seldom vary, that they are almost always unwilling to obey; envious against their Superiours, jealous of their Conduct, and discontented with almost all Events, they all think themselves wise, and good enough to Command, and because this is impossible, affect a dispensation from all Obedience, which they mis-call *Liberty*.

And, which is yet worse, there never was, nor ever will be wanting a Sort of Ambitious ill-natured men to instill into the heads of the Rabble a greater Aversion for their Governors and their Government, be it never so Easy, Gentle and Just; and a
love

for a Liberty, which they promise
 will Enſue upon the ruine of the
 former, by which Means this Natural in-
 clination to Licentiousneſs is yet more
 inflamed, and enraged.

So that a man may wonder to ſee ſo
 many Hundred Thouſands Obey one
 ſingle Man, whom they never ſaw, and
 from whom they Expect no Extraordinary
 ſervice, and as Seldom meet with it.

And if at any time their own natural
 inclinations, and the Curſed inſinuations
 of their Tempters ſo far prevail, as to tran-
 ſport them into Tumults, and War, and
 they prevail in that too ſo far as to deſtroy
 both them, and their Government, yet then
 they Conſtantly, and Unavoidably fall
 under ſome other Power, as bad, if not
 worſe than the former, and ſo do but tranſ-
 ſe themselves from one ſuppoſed miſery to
 another.

For ſince the Creation of the World was
 never known that any Number of men
 lived long without ſome Government or
 other, nor can the Multitude ſubſiſt with-
 out it any more, than the Individuals can
 without breath.

Some inquiring into the Cauſe of this,
 have aſcribed it to Fate, and the Influence
 of the Stars, and others to the Nature of
 Mankind.

But I cannot conceive it proceeds from any of these Causes; for taking Fate, as it ought properly, for a blind and Natural determination of things to their Events, it cannot be supposed that there should be such an inclination to perfect, and uncontrollable Liberty in Man, without any possibility of having it satisfied.

And as to the Stars, their Influences, and Aspects vary every moment, and are different in one Country from what they are in Others. But this inclination runs thro' all Mankind, tho' it is sometimes restrained by External Accidents, and is like the Sea ever disposed to Motion, tho' sometimes quiet, because no Winds Excite it.

And as to any Natural Inclination in Mankind to be governed, and Acquiesce in the Wisdom of Others, it is so contrary to the former of Living in perfect Liberty, that they two are inconsistent, and cannot stand together.

And therefore I have ever thought the reason lay higher, and that it Must proceed from some Decree of God Almighty which is irresistible, and uncontrollable, and that he in his Divine Providence, hath set Bounds to this raging Sea, saying to it, *Hither shalt thou come, and no further.*

For if it were otherwise, those strange Revolutions that have hapned in the World would

would Certainly have left us some instances of a People that had attained, and continued in a state of Natural freedom for some time without any Government, or Governors. For to speak the truth, that is the thing they all seek.

On the other side, were there not such an Inclination in Mankind; why should they so restlessly pursue that airy Notion, and for it venture the loss of Life and Limbs? And what is the Multitude concern'd whether one, or twenty, or ten thousand command them, to do what they would not, or to suffer what they hate above all things?

But God is a cause strong enough to Over-rule this Ocean, always the same, ever Watching over the affairs of Mankind, and making things fall insensibly, and irresistibly into the Order he wills they should be in.

Accordingly he laid the foundations of humane Society in a Single Person, and Made all the rest to spring from him like a Fountain; and enured them from their infancy to obedience, and made them sensible of the use, and benefit of Government, before they could consider what it was.

And as no Government was ever destroyed without force, so that force like

the Allies of the Phenix being warmed by the Sun of the Divine Favour, hath ever produced another to succeed it, and left the Multitude repining, and discontented at those Chains it never could, nor ever shall break, till Time shall be no more.

SECTION I.

IT is no less a Wonder to see how God in every Age, and Nation hath raised up Men to Govern, and indued them with such a proportion of Abilities, as fitted them more, or less for that employment.

Man is not Naturally his Brothers Keeper, and great is the number always of them, who are perfectly unconcern'd for the Publick Prosperity, or Misfortune of their own Times, or Countries; till they find the danger approach their own houses or persons, and then for the most part 'tis too late to prevent it. And those few that are otherwise minded, do as often mistake, or but pretend the Publick Good; and yet after all this, there is very seldom Wanting a Sufficient Number, so qualified, as to Keep the Several Parts of the World in some tolerable order.

And the Wonder is the greater, if we consider, how often these men meet no other recompence than Death, and Ruine from their Superiors, or Inferiors, Domestick or Foreign Enemies; and altho some few of the happiest attain to such Fortunes, as may in some degree Compensate the Hazard, yet the far greatest part seldom gain any thing by it, but disquiet, envy, poverty, and an uncertain fame, and after all lie Exposed to more dangers, than those they govern.

This then must be another Effect of the Divine Providence, that as God raises them up, and endows them with qualifications fit for Government, so he inspires them with inclinations to go thro with it, and Keeps them in that disposition till others are fit to succeed them; in all things directing, and supporting them so far as he thinks fit, sometimes to make a People Happy, and sometimes Miserable, as his Justice, or his Mercy is deserved by them.

My Design is to discourse of onely one sort of Governours, and that one of the Lowest, the Justices of the Peace, and to describe, as well as I can what they should be; for that having had the honour to serve my Country many years in that Station, I have had opportunity to Observe

some things in my self, and others, that are Capable of Amendment, and all my reflections will produce some good Effect or other upon my Self at least; and Whilest I describe what they should be, I shall have often occasions to Consider the more Seriously what I have been; from whence by the Assistance of God's holy Spirit, which I humbly and devoutly ask, I may encrease my repentance for what is Amis, my gratitude for what is not, and others may perhaps be Excited to joyn with me, and so some reformation may follow, which never any Times needed more than Ours.

SECTION II.

OF those Qualifications which I have mentioned, some are Natural, others are Acquired, but both are the gift of God; Tho the first are more immediately so, and because they are the Foundations of the other, do naturally sort themselves in the first Rank, and so fall first Under our Consideration; and because I design to be as short as I can, I shall mention only three, *Apprehension, Judgment, and Memory.*
 Tho

Tho God hath given more Apprehension to the slowest of Mankind than to the subtillest of the Brutes, yet they, that are to Govern others had need have a more then ordinary Quickness, and Vivacity; It being the design of almost all that Approach them to delude and deceive them, and rather to extort, than obtain a favorable Sentence by just proof and truth; and they have generally that jealous opinion of their Governours, as to Expect to go by the loss if they have nothing to trust to but their innocence, and plain down-right truth. And from hence proceed those Crafty insinuations of the ill tempers, or actions of those they Complain of in other instances, which are no part of the Complaint, but only artificial flourishes to beget an ill opinion of their Adversaries, that they may assure the Victory before-hand.

Others again are so little Masters of Language, and do so seldom appear before their Superiors, that a man of ordinary Capacity can scarce tell what it is they would have, and yet it may be the Complaint is just, and reasonable, and the infirmity of these is as much to be pitied, as the craft, and subtilty of the Other is to be discountenanced, and reprov'd.

And when both the Parties appear, and the business is ripened for a Conclusion,
the

the same difficulties attend it, the Crafty Knave is for avoiding the Punishment of his Crimes, and the innocent simple Country man is as apt to betray his Cause by his well-Meaning simplicity, if the quickness and integrity of the *Justice* do not prevent it.

In greater Cases, and higher Courts things are first ripened by their Officers, and then debated by Council, before they speak their judgments, and so how unequal soever the abilities of the Parties are, the Case appears with equal art on either side, and yet after all this the Briskness, and Apprehension of those Judges is of great use to discern Truth from Falshood, and Appearances from Realities.

But in this case there is nothing of that nature to be Expected, neither can the persons, nor will the Cases bear it, and therefore a Justice of the Peace stands absolutely in need of a Competent quickness of Apprehension, without which he will be liable to make great mistakes, from which great dishonour, and damage will ensue.

But here it will not be amiss to give some men a Caution, whose defects lie on the other side, and for want of Patience to hear a Matter Out, Catch at it too soon, and think they understand before they hear, whose fault is greater and more incurable.

curable then the other, and causes more injustice, and oppression; for these quick men run away with a shadow, and will rarely be perswaded they are under a mistake, and are for the most part a little insolent, and impatient of Contradiction how softly soever it be Cloathed, and these men are perhaps more unfit for Government, then the former.

The Apprehension is the door, by which all things are Admitted, but the Judgment is the house, that receives, and entertains them. And whatever the difficulty of Apprehending the Case is, tho it may be a hindrance of dispatch, it is rarely of Justice too, if the Judgment do at last attain to the discovery of the truth.

But there is more required in a Magistrate than a bare understanding of the thing, which is but in Order to a determination of it, and therefore is not so considerable in its self, as in its Consequences and Effects.

There are three defects which seem to attend the Judgment, Darkness or Obscurity, Confusion or Disorder, and Weakness, which proceeds from both.

Some men are of so Cloudy Judgments that they do with great difficulty, if ever, hit upon the truth of things, Especially if it be Studiously disguised, and
Misre-

Misrepresented, as for the most part is in reason to be Expected here ; and tho these are not to be despised for this Natural defect, but rather to be pittied, and Assisted, yet it renders them unfit for Government.

The Reason of Others is so confused, that they do with as great difficulty attain a Clear, and distinct Notion of any thing ; and as their judgment, so their discourse is dark, and Uncertain, and they can as little be understood by others, as they understand them, themselves ; and this must needs render all business that is transacted by them, uncertain and full of Hazard.

The last, and Worst Defect is Imbecility, and Weakness, which if it be great, is incurable ; the Cloudy Understanding may at last, the Confused sometimes Understand and hit the Mark, but neither Time nor Chance can cure that natural Imbecility, which proceeds from them both, and therefore they of all men are not fit for Government ; and should never seek it, or imbrace it if it be offered to them, and it is great pity they should be suffered to Expose themselves, and their Places, to Scorn, and Contempt by them that have Power, and Means to prevent it.

Memory, is a Natural Faculty of Great Use in all Humane Transactions, but Especially

cially in Government, and that in the Lowest degrees of it.

For it is the duty of a Magistrate to Execute Laws, not to make them, and he is to have an Eye to the matter of Fact at the same time too; now he that hath such a defect in that Faculty, that he can neither remember the Law, which is to Direct him, nor the matter of Fact to which it is to be applied, is certainly very unfit to be a judge; and so in Proportion in all the intermediate degrees of it.

The Office of a Justice of the Peace is very diffused, and comprehends in it a vast Number, and Variety of things; and it will consequently require a good *Memory* to tell presently, whether any particular case be within his Jurisdiction, or No. Mr *Lambard* complained in his time, (and that is near a hundred years ago) that there were **Stacks of Statutes** imposed upon them to take care of, and the Number is now perhaps double to what it was then. So that in this respect also it is Necessary, that he who Undertakes this Office should be a Man of a good strong Memory.

If any man doubts the truth of this, he will find upon trial, that no humane Memory how great soever it be, can perfectly comprehend all the particulars Exactly;
and

and that it will be Necessary to have frequent recourse to the Books, Especially in Statute Cases, without which many and great Errors must of Necessity be committed ; so that the Prudence of a Magistrate doth consist in a great *degree* in not *Trusting* too much to his Memory. But then that shews a Necessity of having that useful Faculty to a good degree.

SECTION III.

THere are three other Accidental qualifications which are of great use, and would be considered. A Competent Estate, a good Reputation, and a tolerable good Education, and Learning.

The Justice of the Peace enters upon an employment that will occasion him much loss of Time, some Expence, and many Enemies, and after all will afford him little or nothing towards the bearing these inconveniences, but a little unprofitable Honour attended with much envy, and had therefore need before-hand be provided of a competent Estate at least, to support him in that employment, or else he will suddainly repent, what he indiscreetly

secretly undertook, and it may be in all the Mischief upon his Family, who will remember his honour with small complacency, when they reflect upon his debts occasioned by it.

Nor will he, and his Family be the only Sufferers, the Country will, and must bear a part in it too, Men of small Estates are very often of Mean spirits, and dare not do their Duties where they Expect opposition, and have great and rich men to deal with, and so betray Justice not for want of Skill, or Honesty, but of Courage to undertake, and go thro with it.

Besides, their Poverty will Expose them to great Temptations of Bribery, and tho the profit that can come by it is very inconsiderable, yet the mischief that will attend it is not so; for the perverting Justice in the smallest instance, is a great Dishonour, and Damage to a Country; and the meaner the cause, the greater the infamy; the Meaner the People are that are injured, the greater the Clamour.

But of all men those, that are much indebted are the least fit, for that both the Creditor, and his Friends must too often be gratified by the wretched man, at the Expence of his Oath, his Integrity, his Honour, and his Justice, and all occasions must be sought for this too, that the World may see how

how great a power the Rich Clown hath upon his Worship.

For these causes there was an Act of Parliament made some Ages since, which is as followeth.

Whereas by Statutes made in the time of the Kings noble Progenitors, it was Ordained, That in every County of England Justices should be assigned of the most Worthy of the same Counties, to keep the Peace, and to do other things, as in the same Statutes fully is Contained; Which Statutes notwithstanding, now of late in many Counties of England, the greatest Number have been Deputed and Assigned which before this were not wont to be, whereof some be of small (that is ill) Behaviour, by whom the People will not be governed nor ruled, and some for their Necessity do great Extortion and Oppression upon the People, whereof great inconveniences be likely to rise daily, if the King thereof do not provide remedy: The King willing against such inconveniences to provide remedy, hath Ordained, and Established by Authority aforesaid, That no Justice of Peace within the Realm of England in any County, shall be assigned, or deputed if he have not

not Lands or Tenements to the Value of 20 l. by the year : and if any be ordained hereafter, &c. which have not Lands or Tenements to the Value aforesaid, that he thereof shall give knowledg to the Chancellor of England for the time being, which shall put another sufficient in his place, and if he give not the same knowledg (as before) within a Month after that he have notice of such Commission ; or if he sit, or make any Warrant or Precept by force of such Commission, he shall incur the penalty of 20 l. and nevertheless be put out of the Commission, as before, &c. (But this Act Extends not to Corporations,) and also, Prohibited, That if there be not sufficient persons having Lands, and Tenements to the Value aforesaid Learned in the Law, and of Good Governance within any such County, That the Lord Chancellor of England for the time being shall have power to put other discreet Persons Learned in the Law in such Commissions, tho they have not Lands, or Tenements to the value aforesaid by his discretion. The 18 H. 6. cap. 11.

I have transcribed this Statute almost at large, because it makes so lively a description of the inconveniences, and takes so
 exact

exact a care to prevent them ; and it is to be observed, That xx l. by the Year at the making of this Statute, was a Knights fee, and that they would trust to Nothing but an Apparent Visible Estate, for it must be in Lands or Tenements, and yet was there not ~~then~~ the Hundredth part of that business committed to Justices then, there is now, and their Expences that were consequently much less ; and tho in case of Necessity some Lawyers of a less Estate were Admitted, yet this was out of pure Necessity in those ignorant Times ; and then they were to be men of Good Governance, that is, of a Good Reputation for their Lives and Integrity, and such men in those times might by their Professions be able to spend with men of good Estates.

But two inconveniences have arisen in our Times that were not in being then ; The first is, That Men of great Estate do too commonly leave the Country, and spend their times and Estates in *London*, and other great Cities in perfect Idleness, and Luxury. The Other is, That the Old *English* Industry is almost totally Extinguished, and they that Live in the Country will not take that pains their Ancestors did either for themselves, or their Country.

It is not at all likely that these two inconveniences

conveniencies will meet a Suddain, or Certain Cure, and therefore it were to be wished, that men of Smaller Estates and greater Industry might be encouraged by some Honest, and Convenient Privileges and Advantages to bear this burthen for the good of their Country, without too much dammage to their own Families.

2. After the Advantage of *Wealth*, I place that of *Reputation*, because, as the World goes, it will not be easily had without the Other. And in this Case it is of great Use to the *Justice of Peace*, and to the Government, if he have a good Esteem amongst his Neighbours at his first setting out, and he ought to be always Careful of it in all his Proceedings afterwards; part of this may descend upon a man, and part may be gained by himself with Gods blessing.

As the common People of *England* have always Lived under a Monarchy, so they have been governed under their Prince by a Potent Nobility and a Flourishing Gentry, and will certainly Envy, and Repine at men of no descent, when they come to be set over them; but then if they be men of good Estates, and Great Civility, and Vertue, this will soon wear off, provided it be not kept up by the more Antient Gentry, which sel-

dom happens, if they be not Slighted to prefer these New men.

But that infamy, which springs from ill Actions, is hardly ever to be worn out, because every man that suffers, tho never so justly, by such a person, will be sure to revive the memory of it, so that it shall never be forgotten.

Besides, men harden themselves against all Correction, and look not so much upon their own deserts, as the faults of their Governours, and Consequently become worse for their Chastisement, till at Last their Anger turn to Malice, and that too is Advanced very frequently to a Contempt of the Supream Governour, and ends in Tumults, and Rebellion, Anarchy, and Confusion.

But let a man's Esteem be what it will, when he sets out, he must be as careful to preserve it by his Virtue, to which Candor and Sincerity, Temperance and Chastity, and all those other Moral Qualifications which make a good man, are of absolute Necessity; and that not onely in relation to himself, but to those he is to govern.

For he is sure none of his Vices shall be conceal'd; all men will be prying into his most secret Retirements, and will be as Curious to enform themselves of the smallest of his faults, as they are negligent of

of the greatest they are guilty of themselves.

And this is not all, they will from thence derive arguments to perswade themselves they may with impunity, and safety transcribe the Copy, and imitate those Vices they see in their Superiors, and take it very ill, if they find themselves at any time mistaken; and if the truth might be spoken without offence, I should ascribe much of the deluge of Impiety, Debauchery, Intemperance, and other Disorders of Our Times to this, as to its proper cause.

For how can a Justice of Peace send a man to the Stocks for Drunkenness, when he is hardly well recovered of his last Debauch, or punish a man for Prophane Swearing, with forty Oaths in his mouth? I could easily run this thro all the rest, if it were fit to do it.

This too renders our Gentry Contemptible, for the inferior people will ever Envy the splendor of their Wealth, if they do not seem to deserve it by their Prudence and Virtue.

And this too weakens our Government, by abating that Honour which is absolutely necessary for its preservation, and gives too often the hearts and affections of men, to those that have no right to them,

and who imploy that Advantage to the ruine of those that have.

In short, if we are not resolved to ruine our Selves and our Families for ever, and to become the most miserable, and infamous of all men, we must forthwith retrieve the Antient *English* Bravery, and win the hearts of the People by Justice, Chastity, Temperance, Courage and Loyalty to a due Esteem of us.

And to this let us add a solid and conspicuous Piety, which may shine forth in our Lives and Conversations with that Luster, that none may be able to doubt, or dispute the truth of it, and this, and nothing else will entail that Glory, our Ancestors left us, upon our Posterity, and preserve the Monarchy, that gave it to us, from a Second ruine; they that honour God shall be honoured, and they that dishonour him shall be lightly regarded.

But however, let all that are set up for Magistrates as Lights upon a hill, be sure to set a good Example, and if not for the sake of Virtue, yet out of pure fear of Infamy avoid all those Vices which render them, and their Offices Contemptible.

3. It is not only fit the Justice of the Peace should be a man of a Competent Estate, and a Good Reputation, but of Learning

Learning and a Good Education too.

By *Learning*, I do not understand the Utmost degree of it, nor all those Parts neither that may be of great use to men of other Employments, but such a degree of *Learning* as may fit a Man for Civil Conversation, and the dispatch of business, and especially such Knowledge in the Laws and Customs of *England*, as may preserve him from great and frequent Mistakes.

The Age we live in is full of Learning, and the great Plenty of Books that come every day into the World, have fallen so thick in all places, that they have not escaped the Soft Hands of Ladies, nor the Hard fists of Mechanicks, and Trades-men, and every man affects to seem well read in Books, tho he hath not had the happiness to converse much with men; and therefore if a Justice of Peace be not indifferently well qualified in this Point, he will sometimes discover it, and that will (if it have no worse effect) betray him to the Contempt of those, who ought to honour and respect him for his Place.

But if he be ignorant of the Laws and Customs of *England* in that vast variety of business that belongs to him, he will never be able to go thro with it, but with great fear, or hazard of Mistaking.

And being as subject to the force of the Laws as other men, he will sometime or other meet with those who will revenge his Mistakes with worse then bad language, and seek a reparation out of his Estate for the Errors of his Office.

No man is born a Scholar, and therefore what ever Learning a Man hath, must spring from Education, and together with it, for the most part, Civility and good Behaviour is, or ought to be delivered, which takes off that Natural Roughness and Asperity, which makes men unfitting to converse with others, much more to govern them; and they that have not had the happiness to meet, or imbrace this, should do well not to Expose their unpolished Humours, and Manners to the Contempt of others; who yet may be very useful men in other Places.

SECTION IV.

I Have hitherto considered the Justice of Peace no further than, as a Man and a Gentleman. But Blessed be God for it, *England* is a Christian Country, and one of the best Parts of the Catholique Church too, and therefore not only the Natural, and Civil Capacities, and Qualifications of Men are to be considered, when Magistrates are to be chosen, but their Religions too, and most Especially.

By this I do not mean in this place whether they are Protestants, or Papists, Phanaticks or men, who love the Church; (tho I shall Consider of this in due time,) but whether they be good Christians. For many men account it an honour to them, and a piece of good breeding, to Express no more reverence for God, and Religion, than they do for a forsaken Mistress, to whom they pretend to have made Love only out of Ignorance in their Youth, for want of understanding better things.

I do not intend neither in this place to make an Exact Description of the several parts of Devotion and Religion, but I only consider

consider those parts of it, which fit a man for Government, which I humbly Conceive are these.

1. A Due Veneration of God.
2. A Love for his Service in himself, and others.
3. A Good Esteem for his Ministers.
4. An Earnest desire of the Salvation of all under his Care, and Charge.

As God is the Fountain of all Power, and the Author of all Government, So he is the Supream Governour, and Preserver of it, and by his Providence disposes the hearts of Men, as he thinks fit, and in his Justice, and Mercy makes Retribution to them according to their Deserts, but especially his Eyes are ever upon Princes and Magistrates, to Reward them if they do well, to Punish them if they do amiss, and abuse the Power which he hath given them for the good of Men, and his own Glory. And those men that have this Sense of him deeply imprinted in their hearts, will ever have a great Veneration for him, and, as occasion serve, express it by due consideration, that not only their Actions (which are visible to men) but the most secret Motives of them, that lie out of the reach of their Eyes, are open to God Almighty.

Those

Those who Thus Reverence God shall be sure to have his Providence watching always over them, to protect them in all dangers, and direct them in all difficulties. And he will by it strike that aw and fear of them into the hearts of the People, that shall keep them in better Obedience than all the force in the World will do without it; and this will render their Government Easy, and their Actions Prosperous.

But on the Other side, how can any man have the impudence to expect either Protection, or Assistance from God, when he knows at the same time, that he hath not any respect in his heart for him?

Nor in truth do this sort of men do it, but trust wholly to their own Wit, and Power, which always in the End deceives them, and leaves them to the Scorn, and Contempt of the World, God in his Justice making this frequently the Punishment of their Impiety against him.

All men, that have any Sense know it so necessary that the People should have some Religion, and a great Opinion that their Governours are Pious, and that without it there will be no possibility of Governing them, that they who have expressed no inward Veneration for it, have owned a belief that it was a Crafty Invention
Juggled

Juggled up betwixt the Priests, and the Princes of the World, to *Keep the Multitude in awe*; which, tho it is false, yet it shews at the same time, that these men are of opinion, that it would be difficult, if not impossible, to keep the People in a due Subjection without it.

And *Machiavel* would not have his *Lewd Prince* without the opinion of *Piety*, however wicked he really was. Now if this base Hypocrisie be of so great use in Government, which is destitute of the blessing of God, and liable to be looked thro Every moment, of what Use must solid sober *Piety* be, which will shine forth in all that a man doth, or speaketh, and procure at once the Love, and Favour of God and Man?

2. This *Reverence* of God is to be expressed by a great, and constant Care to *Serve, and Worship* him both Publickly in the Church and Family; and Privately in the Closet: for God is so great a *Being*, that Nothing we can do but this, is of any use to him, he stands in no need of us nor of our Service, any further then as it tends to our own good here, and hereafter; and therefore it is ridiculous to pretend to believe there is a God, and live Wickedly, without any regard to his Service, nay
prate

prate Foolishly, and Atheistically in all Companies, as some do.

But the *Justice of Peace* of all men is to be most religiously Careful to perform his Duty, because the Eyes of all are upon him, and they will be sure to follow his Example if ill, and the Inconvenience will not end there neither; they will within a While revenge all their Piques against him, which will be many, with Stories of his Impiety, and Negligence, and from thence argue, That he is a man of no Religion, the Consequence of which is, That he is not Master of any honour, or honesty; and so this dishonour will at last fall upon himself, and end in contempt.

Nor doth his Care like, that of Private men end, in his Family, tho it were well if some extended it but so far, but he must take care that all under his Jurisdiction do it; For so much is *England* degenerated from its Ancient Devotion, by reason of the Divisions amongst us, that without this, not onely the *Conventicle*, but the *Ale-house* will be better furnished, than the Church; if Care be not taken by them that are in Authority to Prevent it by a Severe Search, and Punishment of these Miscreants.

Nay, to that height of Impiety are we grown, that if We trust to the Oaths of
them

them, that are to inform us, even Perjury shall be imploy'd to delude us, and the Law; a strange Religion this is in the mean time, to make use of the Worst of Crimes to protect them, who pretend to be the Children of God, from Temporal Punishment, and with them, and for their sakes, all that will run into Debauchery. But so it is, and nothing but the Care of the Magistrate can prevent it; and if he be not diligent to do his duty herein, he must answer it to God, and Man.

It is not many Years since a War raised by these Religious men on that pretence, destroyed our King, and brought our Gentry into the basest Slavery, that ever fell upon them; they may, if they please, believe this shall never happen again; but if it doth, they can thank no body but themselves: and I am sure they can neither expect reasonably any Assistance from God, nor Pity from Men, if it should be otherwise, because they might have prevented it if they would.

3. That men that have no regard for God, and his Service, should shew no Esteem for the *Priest*, is no great wonder; the Consequence is unavoidable: And as this proceeded at first from the Other, So it may be a good Means to Cure the distemper,

per, to teach the People not only to Honour God, and his Sanctuary, but to *Reverence* his *Priests*; and here the Magistrate may Contribute very much by his Example, and Authority.

But then this Reverence is not due to all, who call themselves Ministers; there are too many that are crept in amongst us, who are the Ministers of Satan, Sowers of Sedition, and Upholders of Schism, the less the Magistrate reverences them, the better it will be for him.

But there is one Sort of Kindness too commonly shewn to Clergy-men, that I wish they would lay aside; and that is, their Inviting them to their Drinking-Meetings, and almost forcing them, when there, to pledge all the Healths, and go to the Bottom of the Glass too at every Round.

I cannot imagine where the Pleasure of this lies, the Wine would be as easy, the Company might be as brisk, and the Frolick as pleasing, if the Chaplain and Neighbour-Minister were Visiting the Sick, or Studying to improve himself. Nor can I think they pretend to please God Almighty by it, whilst they render his Service contemptible, and the Priesthood odious, and infamous: For my part, I cannot believe this can proceed from any other, than the Devil,

Devil, because it serves no bodies turn but his, and the Enemies of Our Church ; and I have ever observed, the Atheist, and irreligious to be most guilty of it.

The best honour that can be shewn to a Clergy-man, is to remember he is more immediately related to God, and out of a due respect to his Character, to curb those little irregularities which at another time a man might fall into, and indeed nothing is more contrary to Virtue, and Sobriety, than the Attempting to Debauch them, whose Presence should restrain us from Excesses, and no Vice exposeth them more then Infobriety to the Contempt of the Rabble, and other lewd Men, and certainly God will accordingly severely reckon with those who thus dishonour him in his Ministers, and beyond all other men with Magistrates, if they be guilty of it.

The *Turks* have a sort of men who pretend to be descended from *Mahomet*, and wear Green Turbans, to distinguish them from the rest, and if at any time they happen to offend any of the other *Turks*, they approach these Children of their Profit with great respect, and having first very reverently taken off the green Turban, and laid it by ; they then bang the Man without Mercy, or Discretion,

tion, but we never hear they endeavour to draw them into any thing Contrary to their Law.

4. The Ultimate End of all Religion, is the attainment of the happiness of another Life, and all that can be any way subservient to that end, ought to be so used. And for this end did God Almighty institute all humane Society, and Government also, and hath ever since preserved them from Ruin. So that he Expects from every Person that is placed in any degree of Honour, a more immediate Care, and Concernment for the Salvation of their inferiors; and he that doth best discharge his duty in this respect, may Expect to meet the best Recompence from God here, and hereafter.

Grotius hath proved this so well, that I will not attempt to do it after him, but refer the Reader for that, to his Piece of the *Power of Magistrates in Sacred Affairs*, and pursue the Conclusion, of bringing it as much as may be into practice. It is certain then, nothing can be more acceptable to God Almighty, than this; and his Blessing is the best Reward any man can pretend to, and the onely one which almost a Justice of the Peace can Expect, and which is really worth his thoughts.

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There is nothing in the Next place will so effectually lessen his Cares, and his Troubles as this ; for if ever he can bring men to a true sense of this, they will afterwards be easily governed, and it will make his Office Acceptable and Delightful to them, and his very Chastisements will be thought *Kindnesses*, and be well resented.

But if men should prove unreasonable, yet God would certainly undertake for him and protect him from their Violence, and reward his Virtue too, with the *Enges* of a *Well done thou good and faithful Servant*, and he should thereby assure his own Salvation however.

Section the 4th.

HAVING thus dispatched those Religious Qualifications I did propose to speak of, I come in the Next place to speak of those Moral Indowments, without which the other cannot well be Supposed to be ; the first of which I shall mention, is a Prudent, and Wise Administration of all his Affairs.

Prudence. As Reason distinguisheth a Man from a Beast, So this *Prudence* is it which Exalts one man above another, and directs him not onely to what is just, but to what is fit.

fit. *Justice* teacheth a man to give every man his due, and *Prudence* directs him to do it Seasonably, and when, and where to use Clemency, or Severity, as there is occasion for it.

And in Executing all Penal Laws, this is of great and dayly use, and makes those Laws a Blessing, or a Plague to men; and indeed he that always imployes the utmost of his Power, will sometimes use the letter of the Law against the equity of it.

Prudence will also make his proceedings Safe, and Regular, so that he shall not fear to reflect upon what he hath done, nor others to approach him, when he is to do them, when they know before-hand, what they may Expect from him.

Prudence, and due Care in him to Search every thing out that comes before him in the Course of Law, will prevent his being deceived, and the Consequences of it, his injuring others by that deception.

Next to *Prudence* I place *Patience* and *Patience*, *Industry*, without which he can never hope to attain his End, he must not expect that either Party will at first frankly, and ingenuously represent the truth of things to him, one party will speak a little too much, and another a little too little, and by this, and other Arts so disguise the thing,

that, if he be not a man of more, than Ordinary Patience, and Industry to Search it out, he will be in great danger of Doing great injustice.

Nor will the putting Parties always to their Oaths do it, for many men have so little sense of them, that it is almost all one to lie, and forswear themselves; but yet giving them time, and cross-Examining them, or putting them one from another, the truth will sometimes appear thro all their disguises, and will well recompence the loss of a mans time. if at last he be enabled thereby to do Justice, and promote Truth, and Honesty amongst men.

But on the Other Side, the impatient man is at the End of his business, before he is well entred into it, and by making too much hast, is the longer before he can end it; a great man used to say, *Stay a little, and we shall have done the sooner*; and for the most part over-hasty Sentences come to a review, by appeal, or otherwise, and then a man's folly is discovered in the face of the Country.

I would fain know of any man that sits in the Seat of Justice, how he would take it, to have a Case of his own huddled up by another man, without due Examination of the thing, and its Circumstances, and so it may

may be meet with disappointment, and disgrace, where he did least Expect it; and when he hath once thought Seriously of it, let him do, as he thinks fit,

But it is not a dull Patience without Active *Industry*, that will do the bu- *Industry.* siness, he that storms and rages may sometimes hit upon the right Case, and perhaps more frequently than he, that neither takes Care to enform himself of the Law before-hand, nor of the fact at the hearing, but hears with as little care, and unconcernment, as if he had nothing to do with it; such lazy men are totally unfit for government, and should be laid aside, as fast, as they can be discovered, or rather be prevented from ever coming into Authority.

But there is another Sort of Men, that are as much too Active, and endeavour to Search into things before the time, and without any Necessity; and this sometimes brings great Mischiefs upon them, for which they are not much pityed.

Next to Industry, *Meekness* and Humility *Meekness.* deserve the place, tho some men seem to think the contrary, and that no Virtues less become a Magistrate; The Character of *Moses* was, That he was the *Meekest* Man

upon Earth yet no man ever knew better, than he, how to rescue himself, and to preserve his Place from Contempt; and no man ever had greater reason to carry it with a high hand, who had God's Visible Presence always with him to Countenance him, his Miraculous Power to Defend him, his Infinite Wisdom to Direct him.

Rough, and rude Language never did any man's business, nor ever will; they may be feared, and hated more than other men, who use it, but that will as often hinder, as help them. And when it is once Known, men will either not regard it, or contrive how to make their Advantage of it, by inflaming the Angry Indiscreet man to such a height, that he shall do, and say he knows not what, or by Flattery, and Assentation draw him to the quite Contrary Extreme. So that if in the End he do Justice, it shall be by Chance.

When a Man is Kindly, and Civilly Treated, it softens him into repentance, and makes him ashamed of his offence, and that disposeth him to *Amendment*, and Honesty for time to come; and he that so reforms but one man, has done a greater work than he that Chastiseth many; and what ever the Event be, the Party goes away well Satisfied with the Justice and Candor

Candor of his Judge, which may work upon him afterwards, tho it do not at the present.

For my part, I never understood where in the greatness of calling a man, *Sirrah*, and *Rogue*, at first sight, lay. It is full as easy to call him by his Name, or *Friend*, and give him an assurance, that you are not his Enemy, nor have any prejudice against him; and then 'tis ten to one, if he do not deal ingenuously with you, and tell you the truth at first, and so save you the pains and hazard of searching it out; and I have seen many men so wrought upon by it, as to prevent the *Justice*, and Condemn themselves willingly to suffer the Penalty of that Law, they had imprudently broken, if it run not too high.

But on the Other Side, ill usage doth but harden men, and make them ascribe what they suffer rather to the ill Nature, and Disposition of the Magistrate, than their own deserts.

Besides, there is nothing that discovers a man's mean Extraction, and ill breeding, so much as ill Language; and it is a foul disgrace to a Magistrate, to seem to have ever kept Leud, Mean Company, where only rude Language is to be learnt.

The Sum of all is, it can never do any good; and will certainly do much hurt,

and therefore is most carefully to be avoided by every man that would preserve his Reputation, and do good in his place, and the rest are not worth the Instructing.

But yet neither is it fit to Countenance ill men in their Villany, and Wickedness, for that is to encourage instead of reforming, and punishing them ; but then let the reproof be rational, and grave, such as may work more upon their reasons, than fancies, and to it add the Severity of the Law, and make them feel you are in good earnest with them ; and this will make a man more feared, and revered than Loud Words without it. And to me it seems to be a double punishment, first to Vent my Fury in bad Language, and then to inflict the Punishment of the Law upon him.

Humility.

Pride is yet a worse fault in a Magistrate than *Passion*; for some men are Naturally passionate, but few men are Naturally proud, and insolent ; and those who are so, are of all others not fit for Magistracy.

One of the Worst effects of *Pride* is, to render a man incapable of Instruction ; and then be his abilities what they can be, he must Needs fall into great Errors ; no man can carry all the Laws of *England* in his head, and always truly apply

ply them without mistaking. And then if the man scorns the Informations of his Equals, or Inferiors, he must Answer for his Error, as the Effect of his Will. Whereas if he Humbly seeks, and Meekly imbraceth better advice, tho at last he mistakes, he shall be pitied by God, and Man, and is sure to save his Reputation, and the Comfort of having done the best he could to prevent the misfortune.

But a Magistrate is not only to regard the Law, but the Fact ; and this the wisest of Men must learn from others, who were present, and took Notice of it. And according to the Quality, and Number of the Witnesses is the thing more, or less to be believed. And if a man will in his Pride Suppose he knows this, when indeed he doth not, or believe he takes it right, when he mistakes the Matter, or the Witnesses, and will not suffer them to re-inform and direct him, he must needs do great Injustice in the Conclusion, tho he Mean it not. And he must answer for it.

Soloman saith, *Only by Pride cometh Contention*, Prov. 13. 10. And so it ever is, Pride makes a man more apt to Mistake, and at the same time shuts the door upon him, so that he cannot find the way out again ; this makes him set himself to defend his Error, as if it were a Castle, and take it ill that

that any man should endeavour to dispossess him. So that he that Never so Kindly offers to inform him better, is sure to meet no better reward than Contention, Stubbornness, and ill usage for the present, and Scorn and Revenge for the future, which either provokes men to seek the Ruine of these Insolents, or to give them up to their own folly till that do it, and God in his Providence doth for the most part hasten on the Calamity.

But on the Other Side, there is nothing more Lovely in the Eyes of God, or Man, than *Humility*; and the Greater the person is, the Greater the Lustre of it; it preserves a man from many Errors, and Apologizeth for the rest so powerfully, that it is scarce possible not to forgive him, and the Honour of it too Ascends from the man to his Superiors, and they are the better thought of for his sake. It makes a Government acceptable to the People, and stifles Discontents (the Seeds of Rebellion) in their infant state.

Sobriety.

Sobriety, and *Chastity*, are two Virtues that seem at first sight, perhaps, more to respect the Person, that is master of them, than his Place; but yet they have for all that a great influence upon the other, especially the first of them. By which I Understand

derstand Temperance in Eating and Drinking.

Intemperance hath Naturally some very ill effects upon men, which indispose them for Government. As first, it takes off the Briskness, and Vivacity of Mens Minds, and renders them dull, and heavy, and unfit for business. Yet he that is to judge others, will always stand in Need of the greatest of his Abilities, as I have proved before. And therefore, if he be not so far in Love with Temperance, as to preserve his Faculties always in their Natural vigor, he hath thereby unmanned himself; and it will not be fit to set the Beast to Govern others, when he is thus degraded by himself.

Secondly, *Intemperance* discharges the guards, that *Prudence*, and *Sobriety* usually keep men under, and they become heedless of all things, neither considering nor caring whether they do Right, or Wrong, Justice, or Injustice; as indeed how can an intemperate Man, whilst his blood is in a ferment, be able to Consider prudently of any thing. All that can be said for it, is, That they are not always so; but tho they be not, yet if a man is frequently intemperate, it will in time change the *Crafs* of his Blood, and Spirits, when he is not actually distempered with a late *Debauch*,
at

at least to such a degree, as will make him incapable of that curious Sense, which is requisite in many Cases for the finding that truth, which is concealed from him, with much Artifice, and Industry.

The *Justice of the Peace* his principal Care is to provide for the Poor; for he is the only Person, to whom their last resort is, who have neither means, nor abilities of Complaining to the Superior Magistrates. Now how can that Man be Sensible of their Miseries, who is almost always *Gorged* to the height, and is insensible of all other Inconveniencies, but those that spring from *Satiety*, and *Drunkenness*? 'Tis true, these are not less than the other, but yet they totally render a man incapable to Understand and Consider them. It was the *Rich mans* faring deliciously every day, that made him think so little of *Lazarus* at his Gate, till the Tables were turn'd, and then it was too late. And Great Men would do well to remember his *Catastrophe* in time, and abate something even of their Lawful Pleasure here, that they may be Excused from Suffering with him hereafter.

To all this Add, what I have remarked already, the irresistible force of ill Example, and the bad Effect it will have upon the Government, by introducing Poverty, if
it

it be not punished in the inferior people, and reproach and hatred, if these or such like Magistrates do it; and a man would think a Small degree of Ingenuity might prevail upon them to lay aside their Intemperance, or their Office, and not keep two things so totally inconsistent each with other.

Much of what hath been spoken concerning *Temperance*, may be Applied, and is Naturally true of *Chastity* too; but I have this further to say for it, The *English* Nation is Naturally Chast, and all that foul spreading uncleanness, which hath of late over-run this Island, is of a foreign Extraction. And it may be a great question, Whether it is a greater Infamy to a People to forsake its Antient and Natural Virtues, or to imbrace foreign and Exotick Vices? But there is no question at all whether this base uncleanness hath not been propagated by the Contagion of ill Example, and descended from the Gentry to the Commonalty; and I have known when Complaints have been brought by Wives, against their Husbands for Keeping *Misses*, when they were scarce able to find Competent bread for their own Families. The more have they to answer for, who set them the ill Example.

This

This Crime is ever attended with Poverty, and when it grows general, the Poverty becomes so too; and such Lewd men can neither bear Want, nor betake themselves to any honest Course for the redressing of it, but generally turn beggars, Thieves, Whiggs, Knights of the post, and take up other such infamous Courses as Naturally tend to the destruction and imbroyment of our Government.

Most commonly those who follow this ill Course Long, are at one time or other Snapt with that Filthy Disease. And it is very rarely seen that they are so far recovered out of it, as to have afterwards any Children that Live, and are healthy. So it tends apace to depeople us who are already Exhausted by *Ireland*, and the *Western Plantations*, and Leave us in the next Generation, a prey to our Neighbours.

All which are strong Reasons to endeavour heartily the banishing of this New risen Pest, and should make all Magistrates discountenance, and punish it to the utmost rigour; and above All things to be Exceeding careful, that they do not by their Words, or Actions give the People occasion, to think, or suspect they have any Kindness for it.

Yet some Justices of the Peace, if they
are

are to Examine an unfortunate Woman about the Father of a *base* Child, will descend to such minute Circumstances, and behave themselves so Extravagantly in the mean time, as if they took much pleasure in the inquiry, and Meant to make the Criminal uncurable, by Extirpating that Natural Modesty, that might have Cured her. Such men neither regard God who is invoked by the Oath to be present, nor the dignity, and honour of their Places, and do effectually teach instead of Correcting the Crime.

I have Placed in the rear of all *Courage*, and *Honesty* in the Execution of Justice, tho they will deserve to have been the two first; but I hope by placing them in the Conclusion, they will Leave the stronger impression on the Mind of the Reader.

Courage is so necessary a Qualification in Magistrates, that God himself never omits it in his Charges to them; and there is good cause for it. For they are sometimes to deal with Men Equal to themselves in all things, and at others with their Superiors, and as the Nature of Mankind stands, may justly fear hard usage for doing but their Duty. And yet we have another difficulty that will try the

the most daring : we live in a factious Age, and a Divided Nation, and a Magistrate must sometimes disoblige not only single persons ; but great Bodies of Men united for the carrying on ill designs. And we have before our Eyes instances of many great Families, that have been ruine or impoverished within the Memory of Man, for their Loyalty, and Honesty, and too many have Considered the same may happen again ; and this hath made the difficulty the greater, by les'ning the Number of them, that should have overcome it.

But yet would men consider Seriously of it, this will never justify their Pusillanimity, who have refused to serve the Publick ; or not performed their Duty out of Cowardise. For God himself hath promised to stand by them, and protect them in the discharge of their Duty. *Ye shall not Respect persons in judgment ; but you shall hear the Small as well as the Great ; you shall not be afraid of the face of Man, for the judgment is Gods,* Deut. i. 17. So he is pleased to own the Act, and is bound to protect his own Minister, and he may securely rely upon him that he will ; for he hath ingaged his Veracity for it, whose Power no Faction, how formidable soever, can Master.

And yet if he should Suffer a man to be perse

persecuted for doing his Duty, Even that is no such dismal thing, as is represented by fancy, and delusion; but this subject hath been so Excellently treated of by the Author of *Jovian* in his *Conclusion*, that for brevity sake, I will refer the Reader to it.

Of Evils, the least is to be chosen; and in the state things are, we must submit our Selves, and Families, as Eternal Slaves to these Factions, or defend the Government against them, by a Courageous Execution of our Laws. We have tryed their Mercy, and Clemency, and found *Solomon's* Observation true, *The tender Mercies of the Wicked are Cruel*. We have felt the Smart of being Loyal, and if we were so treated for being obedient to the Laws of God and Man, we may Expect as much Mercy in other instances, as we please.

We have tried what could be done by fair Courses, and Concessions, and our Experience tells us, nothing but an intire submission at discretion will satisfy these insolent Men; and this hath inspired some *Besieged Starved Places* with a resolution to perish bravely, but blessed be God we are not upon such terms yet with them. But then this reproacheth our faint-hearted Gallants, who dare not do their Duty
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whilest they have the Advantage Clearly on their Side.

The thing is indeed not only possible but easie ; for all Combinations against an Established Government, besides the Providence of God, have the United Forces of all good men against them ; they are lyable to many hazards, have no Authority to Unite them, are, and ever will be distrustful each of other, and faithless too, as occasion serves, and one Passion prevails upon another.

So that it is not Prudence, which makes men timorous, but want of Considering the Nature of things, together with Infidelity, Distrust of God, and Cowardize ; and if any man will aspire to these Titles of Honour, and tamely purchase them with Slavery, and Beggery, much good may his bargain do him, and let no man envy his happiness.

And as to the rest, let them pluck up their spirits, and with the Resolution of *English* Men, and Christians bring under this *Hydra*, this Many-headed Monster, and they may be assured the Event will answer their Desires, and will find that the strength of our Factions lies more in our want of Wit and Will to Suppress them, than in their own Ability to defend themselves, much less to bring under, and ruine us.

But

But not only Combinations of Men, but single persons have sometimes over-awed Magistrates, and made them not dare to do their Duties ; and here the fault is so much the greater, as the Temptation is less. For why should a Justice of the Peace, under the Protection of God, and the Laws, fear a Wealthy Clown, or a Ruffling Gentleman ? Let him be but once sure what the Law, and the Matter of Fact is, and he need not fear any man.

But, 'tis a great disgrace to the Magistrate, and a great dishonour to Justice, to have the Laws take none, but the poor helpless offenders, whose very Innocence may be easily trodden under foot, and the great, and insolent Offenders escape without any Chastisement. It were great reason rather to take the latter, than the former ; and tends more to the terror of ill men.

It is true, that sometimes these great and rich Malefactors do find means by their Wealth, and Friends to trouble a Justice of the Peace on some other pretence, but this doth not often happen ; God in his Providence preventing it : and when it doth, ought to be born, as other Calamities which God sends for Causes best known to himself ; and which, for the most part, end very well for the Minister of Justice.

But on the Other Side, when a man hath purchased their good will at the loss of his Reputation, by denying Justice, or doing injury : he hath but rendred himself more obnoxious to their injuries, by shewing his fear of them, which makes them yet more insolent, and he hath made God, and good men his Enemies to boot : So that he is then become really miserable, and yet must Expect no bodies Pity, or Assistance.

So that all things Considered, it is better to trust God, and rely on the Protection of the Laws, and so to proceed to do our Duty, without the least Consideration, Whether the Party Complained of be a Poor man, or a rich man, but according to Gods Commandment, and Our Oath, to do equal Right to both, which in all probability will be as safe, and much more honourable, and at last bring a man to peace, according to that of the *Psalmist*, *Mark the perfect man, and behold the upright : for the End of that Man is Peace*, *Psalm. 37. v. 37.*

There is another Fault, which is just the opposite to this, and doth not so often happen, yet sometimes may out of too much Pity, and Compassion, ill Placed, and Worse Expressed ; and that is when more regard is taken to the Poverty than
Inno-

Innocence of a man, contrary to the Command of God, *Thou shalt not Countenance a poor man in his Cause*, Exod. 23. 3. That is, any further than there is Right, and Reason for it.

I might perhaps not have mentioned this, but that it hath been more frequent here in *England* of late, than perhaps in all the World besides, Especially as to our Penal Laws; for every Township with us being bound to maintain its own poor Inhabitants, which way soever they become such; many men interest themselves in the Cases of these People, and for fear they should become a Charge to the Parish, connive at many of their Misdemeanors, and intercede with the Magistrates in others for their non-punishment, till for Want of timely Correction for small faults, and thro hopes of impunity, they become insufferably Wicked, and are cut off by the hand of Justice, or grow Insolent, and are a plague all the days of their Lives to the Places in which they live. It is great pity the power of inflicting Corporal punishment instead of Pecuniary, should not be Extended further than it is, for that is the way to meet these small ill natured Animals. As for Instance, Many of them turn *Atheists*, and never come at Church, onely because they are not able to pay

Twelve pence for their absence. And I might instance in some other particulars, but till this can be done, it is certainly much better to run the Hazard of maintaining these men when they are reformed, than thus to suffer them to become worse, and worse by impunity, till in the End they become not only Extreemly wicked, and troublesome, but poor also, and so the thing that was feared falleth upon them, which might in likelihood have been prevented by a timely Severity.

Honesty.

By *Honesty*, I understand that Comprehensive Virtue, which in Scripture is call'd an *Honest* and *Good Heart*; and includes in it Sincerity in a man's *Words* and *Actions*, *Veracity*, a strong propension to do good to all, and fair dealing, without fraud or hypocrisie; which make a man's Conversation Safe and Profitable, Easie and Delightful, and was once the General Temper of the *English* Nation, till Foreign Vices, and the Last Rebellion altered it.

Sincerity.

Sincere Upright dealing is an Excellent quality in a private man, but so necessary in a Magistrate, that without it, he will be in danger to infect men, and make them worse, than they would have been, by *Conversing* with them; for they will be
sure

sure to transcribe the Copy, and Out-do it too ; they will observe how he Circumvented and Deluded them, and they will try how the same Arts may be made use of another time, for their Advantage, against him or any other Neighbour, as occasion serves, till they turn errant Knaves unfit for humane Society, and good for Nothing.

But this Sort of Dealing is not onely mischievous, and hateful, but for the most part unsuccessful too ; for men will soon see thro the thin pretence, and discover the insincerity, that lurks behind it, and then all their Care will be to Counter-mine it, and prevent the Cheat.

And where they cannot discover any fraud designed, they will yet suspect it, and such a man's Words will have no Credit with them ; and as for his Actions, they will Eternally, and restlessly turn them and toss them to, and fro in their Minds, to find the Secret design of them, entertaining a Thousand Surmises, and Jealousies of them, and in the mean time what ever outward respect they pay him out of fear or flattery, they will inwardly hate him, and always study to defeat and Baffle him ; and this must needs make his Life uneasie, and unsafe, and his Actions unprosperous.

But on the Other Side, when a man is Esteemed an upright sincere man, every body will love and trust him, and they will interpret his Actions Favourably, and Candidly, and what ever he doth, or saith to them, will be regarded and revered ; and the more they try, the more willingly will they trust him, and rely upon his honesty as their best Security ; and when they observe the Blessing of God, and the Love and Favour of Men, and good Success to Attend such men, which very rarely fail, they will endeavour to be like them in the One, that they may be so in the other too.

Veracity.

Veracity is a debt, that all men who live in Society ow each to others, our Souls being not able to Communicate each with others, by reason of the interposition of our bodies, God hath given us speech, as a Means to Communicate our inward Sentiments each to other for Our Mutual Good, and Comfort.

But the Lyar perverts all these great Benefits of Society, and turns them into Poyson, he thinks no man can see the Contradiction, that is between his Thoughts and Words, and from thence presumes he shall cheat his Neighbour, and give him Chaff instead of Corn ; but he will certainly be deceived in the End ; for all men have

have a Natural Logick, that will in time, by Comparing one thing with another, discover the Sophistry; and if they frequently trap a man, they will never after trust or believe him.

Matters of Fact, and things that are past, can never be made out but by testimony; either by Writing, or Word of Mouth; and According to the Credibility of the Person that relates it, is the belief Stronger or Weaker, that is bui't upon that Testimony: So that here is another great use of Speech, for when a man is present at the Doing, or Speaking of any thing if he minds it, it leaves a Picture, Impression, or Representation of the Words and Things in his Memory, as in a Register; but then these Characters are visible to none but himself, and the use of Speech is to represent them truly to others, according as the man finds them; now the Lyar in this instance plays the false transcriber, fains things that he finds not there, and changes and varies what he doth, Extends it in some places, diminisheth it in others, is certain when he should be doubtful, and doubtful when he should be certain, and here and there interlaces Circumstances, Words, and Actions, of his own, and then fathers them upon others, and all the while

while relies upon this single security, That no body, but himself can Search his Memoires, and find out and prove the Cheat, nay perhaps so often tells the Lie, that the the false Story defaces the true, and at length impregnates his fancy with a false Conception, and he arrives at that height of Folly as to deceive himself, and believe his own lie to be a real truth.

And indeed for the most part the man deceiveth none so much as himself; for by one means or other, the Cheat is at one time or other discovered, and very often by himself, and his Complices; he that tells a Story truly, is but like him that reads a Paragraph carefully, which will be the same, how often soever it be done; but if he adds words of his own, and his Memory fails, he will necessarily vary, and observing men soon spy the disagreement, and discover the Cheat as plainly, as if they stood behind him, and saw every letter, as well as he; and if he have Confederates, it will be impossible to Concert beforehand all the Circumstances so minutely, but that they will differ, and very often Contradict one another.

And to all this must be Added, That as God is a God of Truth, So he is the irreconcilable Enemy of Falshood, and he is the Searcher of Hearts, knows all things,
and

and is present at all places; *his Eye-lids try the Children of men*, and he Understands their thoughts long before; and amongst the things that he hates, and abominates, one is *a false Witness that speaketh Lies*, Prov. 6. 19. And he hath assured us, Chap. 19. v. 5. *A false Witness shall not be unpunished, and he that speaketh Lies shall not Escape.* And accordingly in his Providence he frequently detects them; and so if a man be not so foolish, as to think he hath Wit enough to escape the Justice and Providence of God, and the Watchful Scrutiny of all those men he converses with, (which is impossible) he must needs Expect at one time, or other to be discovered, and then he will so far lose his Credit, as not to be believed even when he speaks truth, and will (if no worse betide him) be hated and scorn'd of all men.

It befits Magistrates then, of all men, to be very careful to preserve their Reputations unspotted from this Sin; and the rather, because the Law relies so much upon them, that in many things their Testimony is Concluding, and no man shall be allowed to Contradict them. So that they are intirely trusted with the Lives and Fortunes of men; and the greater the Trust, the stronger the Obligation not to deceive;

ceive ; and the greater Infamy if they do.

Beneficence. I include under the Name of *Honesty*, not onely *Sincerity* and *Veracity*, but *Beneficence*, or a great desire to do good to as many as may be, which is an Excellent Virtue in a private person. But so absolutely necessary in a Magistrate, that it will not be possible for him, without it, to use his Power to that End, for which it was given, the *Good of Men*.

The Lord Bacon saith very well in his *Essays*, *Power to do Good, is the true and lawful End of Aspiring. For Good Thoughts (tho God accept them,) yet towards men, are little better than good Dreams ; Except they be put in Act : and that cannot be without Power, and Place, as the Vantage and Commanding Ground. Merit and Good Works, is the End of Man's Motion, and the Conscience of the Same is the Accomplishment of Man's rest, Essay the XI.* But this Advantage of Place and Power is Naturally apt to be corrupted in ill Natures, and to degenerate into Insolence and Violence, and then it is like a Sword in the hand of a Mad-man, terrible to all men that come near him, and an instrument of mischief. Of such men he saith a little before, *Power is a Curse ; for in Evil, the best Condition*
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is Not to Will, the Second, Not to Can.

Now what can be more deplorable, than for a man in Authority to be looked upon as a Wild Beast, and to fill all places where he cometh with fear and horror? to have men approach him as they do a Viper, with Caution, and a jealousy of being injured, if they prevent it not. The constant effect of which is hatred, in which the fear of Mischief ever ends.

But men approach those that are famed for much goodness, as they were Mortal Gods sent by the Great and Immortal God into the World for the Good of Men; and the Greater they are, the more Good they expect and find from them, and are ashamed, and Angry with themselves, if they find they find they have deserved, and feel the contrary.

From such as these no man need fear he shall meet any other than fair Dealings, without fraud, or hypocrisie. For he whose highest Ambition is to do good, will have an irreconcilable disgust to the other, whereever he finds it. His Prudence will set him above the Arts of Dissimulation, and make him scorn all Frauds, and Crafty Designs, as ignoble and beneath him, things which he can never stand in need of, and would not use, if he did.

Honesty

Honesty is said to be the best Policy; and it Certainly is so: for if a man Converse with his Superiors, it saves him the trouble of Making many a hard shift, to Excuse, or Colour an ill Act, if with his Equals, it begets him respect, and Wins them to a Confidence in him; and from his Inferiors it procures him Love and Reverence. To all which God commonly adds his Blessing, and makes his Undertakings Prosperous; however, he is at peace with himself, and suffers none of those Terrors of an Evil Conscience, which terrify other Men, when no other dare accuse, and Punish them; his Mind is quiet, and Serene, and at rest in all Events, Contented with what is past, and Unconcern'd for what may follow, because his Trust is in God, and from men he doth not fear that ill usage, which he is not Conscious to himself he hath deserved.

SECTION V.

I Have now done with those Moral Qualifications, which I thought were most Necessary to be discoursed of on this Occasion ; And I come in the Next place to some few Politick Considerations, which I take to be absolutely Necessary for the good Execution of the Office of a Justice of the Peace. Which are,

A Competent Understanding of the Nature of our Government, and Love to it.

Secondly, Of the Nature and Temper of the *English* People, especially those Under his Care.

Thirdly, Of the Several *Factions* we have amongst us, and how to govern them. Of all which I will discourse in Order.

All the Governments that we meet with upon Record, have been either by Single Persons, which are called *Monarchies*, or by a Number of the better Sort, which are stiled *Aristocracies*, or by the whole People

People, or their Representatives, and from thence are called *Democracies*, or *Mixed* up of two or more of these, and are thence called *Mixed Governments*, which, because they may be innumerable, take their denomination from that Part of the Three I have Mentioned, which is predominant in the Composition. But I shall not Need to be very Exact here, and therefore I shall only take Notice of two; *Monarchies*, and *Common-Wealths*; which last do in common speaking include all those Governments wherein many men have the Supreme Authority divided amongst them with Equal Power, and a Liberty of dissenting.

Monarchies have this Advantage, that they are most Natural, and most Ancient.

As *Adam*, and *Noah* were the Fathers of Mankind, so they were the Universal Monarchs, in that Right: and to their Right all the Princes in the World succeed, and have the same Power they had, and ought to Use it accordingly, as if they were the Fathers of their Subjects. And their Subjects ought again to pay them those Respects that are due to their Fathers; the same Love, Reverence, and Obedience, so that Treason is an Unnatural Crime, and Rebellion against a man's Prince, is flying

in the face of his Father. Which no provocation on the Fathers side can justify.

Monarchy is not only the most Natural, but the most Antient Form of Government, and most general; look into all the Parts of the World, and in the most Antient Times, you shall find they were Governed by Kings; and this is a Truth so apparent in all History, that I never met with any Author of any Antiquity, that contradicted it, nor I believe ever shall. And amongst all those People that have of late been discovered in *Africa* and *America*, there is no other Form of Government than *Monarchy*; and the same, and only that, is found in *China*, and all the other Eastern Parts of *Asia*, which have been found out of late Years too; so that it is very easie to find, and Name several Nations who have lived under Kings ever since the Flood, as the *Persians*, and *Egyptians*, and many other; but it is impossible to shew that Place, or People who have been always Governed by a Commonwealth; and as they have all sprung out of *Monarchies*, so all the Antient Commonwealths are long since swallowed up again by *Monarchies*; and those that remain are in more fear of this, than of any other thing whatsoever; which to me is a plain confession

cession, that Nature reads that way, which may be repell'd, but cannot be extinguish'd.

As it is the most Antient, and most General Form of Government, so it is the best; all *Commonwealths* have either been liable to Everlasting internal Broyls, and Commotions, Insurrections, and Seditions, or have been secured from them more by the fear, and dread of the Power of their Neighbours, than their own Constitution; So *Rome* had no sooner mastered all her Neighbours, and destroyed *Carthage*; but she fell into those Wars at home, that brought her under a Monarchy again: and this was the fate of all the *Grecian* Commonwealths, so soon as ever they grew rich, and powerful, they became insolent and unquiet at home, and troublesome abroad, and from thence fell into such Broyls, as made them a Prey first to the *Macedonian* Princes, and then to the *Romans*.

It is observed, That all Commonwealths are forced to maintain themselves by much Injustice, and Ingratitude; it would make a man loath the Name, to see how basely the *Athenians*, and other *Grecians*, the *Romans*, and *Carthaginians* used their Bravest men, whom they commonly sacrificed

crificed to their Jealousies in the End, least the Love of the People should have Advanced them to the Throne, and very often without the least cause given by them; to their unthankful fellow Citizens. And we have the like instances of a later date, but I will spare those few Commonwealths, that are now in being.

3. If a Commonwealth once degenerates into Tyranny; and a Set of ill men get the Power into their hands, 'tis scarce ever reformed but with the ruine of the Constitution; for those ill men take care to fill up all vacancies by men of the same Faction and Temper to prevent opposition; So the misery of the Subject is as immortal as the Senate. But in a Monarchy, the death of a Prince in possession, gives them relief. As it is observed in *Tacitus, Hist. lib. 4. cap. 74. Vicia erunt, donec Homines: sed neq; hæc continua, et meliorum interventu pensantur.* As long as there are men, there will be vices, but neither will they be alwaies the same; and besides that, they will be Compensated by the Succession of good men. The first is common to all Forms of Government to feel the Effects of Humane frailty; but the relief he mentions, is only to be Expected in Monarchy.

4. If a Commonwealth falls into a Civil, or Domestick War, or be very much oppressed by internal Dissentions, and Factions, or an External force, they have then no other means to save themselves, but the Submission to a Temporary Monarch; and of this the *Romans* may be my instance, who in all such Cases chose a *Dictator*, who for the time was an Absolute Prince: and there was always found a Necessity of something like it in all the rest, tho they have another Name for it, and at last the *Romans* fell into such a state, that Nothing but their submission to *Augustus* could preserve them from utter ruine.

For these and many other Causes, which for brevity I omit, I have ever blessed God that I was born in a Monarchy, and a Subject to a Prince, who is settled in his Throne by a long Succession, and an Undoubted Right, so that no Mortal hath any pretence against it.

Of *Monarchies*, some are Hereditary, others are Elective; the former hath many Advantages over the latter. As first, That the Prince in possession knowing he shall be succeeded by his own Children or near Kindred, is bound to seek the Welfare, and procure the Love of his Subjects to the Utmost: whereas Princes that have

have onely an Estate for life, are not so careful in that particular, but use their present Advantage to the Enriching of their private Families; or the Satiating their thirst after Pleasures.

Secondly, Elective Kingdoms are subject to many miseries during the *Interregnum* which happens betwixt the Death of one, and the Election of another Prince; whereas in ours the King never dies, but his last Breath conveys his Successor to the Throne, and leaves no space for the canvassing of Factions, and the laying a Foundation for Civil Wars, and the Competition of Powerful, and Popular Men. So that I will conclude with the Words of my last cited Author, *Minore discrimine Summi Principem, quam quæri*. There is less danger in accepting, than choosing a Prince. And I cannot but think he that submits to the Providence of God in this case, is in as fair a Way to be happy, as he that is to trust to the Prudence of a Company of Factious great men.

Some Kingdoms are Governed Absolutely, and Arbitrarily, and others by Laws; the first are liable to great hazards of being very ill treated, if a Prince of an ill Temper, or little Prudence fall to their share. Our Princes have given us such

Security, as no other Nation hath; That they will treat us well, They have Assured us, that they will Levy no Taxes; but what shall be freely Granted by us in Parliament; That they will not Repeal any Old, or Enact any New Laws, without the same Consent of their Subjects; That no man shall be imprisoned long without a Tryal; nor Tryed, and Condemned without the Verdict of two Juries of Men of the same, or a better quality. And tho our Princes are not punishable for ill Administration, yet all their Ministers, and Officers are. So that upon the whole Matter, no Nation in the World is better Secured than the *English*, from Extream oppression, and injury. We have a Set of Excellent Laws in force, and are sure to enjoy them, till we are willing to part with them; We have a Property in our Lands and Goods, and can truly call them our own, till we have forfeited them by our own Misdemeanor, and then we are sure of a fair Tryal, before the Law take them away. Our Poor are Carefully, and kindly provided for; in all urgent occasions We have Magistrates dispersed all over the Nation for our Security; and for the rest, our highest Courts are open four times in the Year, where all men may have equal Right, the Poor as well as the Rich; and besides,

besides, there come two of the Judges twice in every Year into every County; that if any man hath cause for it, he may complain, and have Right done him. We have four Sessions in every Year, wherein the Justices of the Peace, or a great part, meet to determine what a few could not, and by Appeals redress their Errors; and there is not a Country Village but the King hath an Officer in it to Secure our Peace, and Apprehend Malefactors.

Now a man would think such a Government, as this should be beloved by all that knew, and had Lived in it; and so it would without question, if it were not too strict for ill men, who have designs upon their Neighbours Liberties, and Fortunes, tho they pretend the quite contrary. And such Men are not fit to be trusted with any share of the Government, in order to promote their wicked purposes.

The Next thing necessary in a Justice of the Peace, is a Competent Knowledg of the Nature and Temper of the *English* People, especially those under his Charge.

By the word *People*, I mean only those the Justice of Peace is to govern; for all that are above that degree, are out of my

Bounds, and need not be Considered by me.

England being an Island, and lying Exposed to perpetual Changes of Winds, and Weather, more than the Continent doth, their Humours and Spirits are in perpetual Motion; and this affects their Minds too, and makes them very uncertain, and very much given to Change, if those that have the Conduct of them, do not frequently inculcate the danger of it, and severely punish those that give occasion to the beginnings of Commotions, that so this fear may Counterballance this Natural inclination to Change.

2. The *English* Blood is very easily Irritated, and hard to be allayed, whilst it is in its fury. Especially if it be inflamed with Drink, and Excess, or exasperated with ill usage, and Injustice. And that is the true Reason why we need so many persons to *Keep the Peace* amongst them, and so many Laws to Secure it, and prevent Excess in Drinking, and *Idleness*, which is the Occasion of Quarrels, and the Nurse of Poverty. And the great Care of the Magistrate should be to Cure this, First, by preventing all Menaces, or Threatnings, by requiring Sureties of the Peace of them that use them. Secondly, All Grievous
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Slanders, such as tend to the Ruine of mens Reputation and Livelihood, by Securities of the *Good Behaviour*. Thirdly, All Excess, by a Severe Execution of the Laws against Tipling, and putting down those Alehouses that suffer Disorder, and Excess. Fourthly, To be sure not to give them any occasion to complain of Injustice, and Oppression, by an Exact Care to *Keep to the Rule of the Law*, which will Justifie him, and keep them quiet; for I have not observed, but that they submit patiently to that Severity, which the Law imposeth on them, if they be once satisfied the Law is so.

3. What *William* the Conqueror observed of the *Normans*, is as true of the *English*. If they be Governed Well, and Severely, they are Valiant, and in great difficulties Excel all other men, endeavouring to master their Enemies: But if this be neglected, they tear and destroy each others, for they Love Rebellions, and Seditions, and are ready for all sorts of Mischief. Let them therefore be restrain'd with severity, and be forced by the Rein of Discipline to keep the Path of Justice; for if this Wild Ass be suffer'd to go Unyoked, they and their Princes will be Overwhelmed with Poverty, and Confusion; *This* (saith that Prince) *I have learned by much Experience.*

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4. But then they must be *Governed Well*, that is, with Prudence, and Justice, as well as with Severity ; for it may be there is no Nation under Heaven so impatient of *Injury*, and *Wrong*, as the *English*, and whatsoever is not precisely according to Law, they will Esteem such, and when occasion serve, revenge it. But neither can they bear too much Lenity, and Mercy ; they grow insolent, when they are Flattered, and Courted, and never regard those that seem to fear them. The Advice therefore of the *Conqueror* is good, and as fit for our Days, as if it had been given but Yesterday.

5. The *English* are not more Couragious in Visible and Apparent Dangers, which they never fear, than Timorous and Suspicious of every thing they hear ; the most incredible silly Story in the World frights them into Disorder, and Confusion, and, without Examining the truth, or possibility of the Report, they rush into Action, and follow them that pretend to Lead them out of those difficulties ; And of this we had abundant Experience in the late Times, and have lately had enough again to remind us of it ; and herein the Care of the Magistrate should be, to punish severely the Spreaders of Libels, and false Reports,
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and the Fomenters of False delusory fears, and jealousies.

6. The *English* are very Religious Naturally, and in the Times of Popery almost ruined themselves by their Liberality to the Church, and Monasteries; but the folly of that being discovered at the Reformation, they have since run to the other Extream, and almost ruined the Church, by tearing what they could from it; and they are now as mad of running after every new Sort of Teacher, that pretends to shew them an undiscovered Way to Heaven, as they were of the *Monks* and *Fryars* before; and this hath a mischievous Effect upon the State too, and will Eternally endanger our ruine, till it be redressed by a Constant, and Severe Execution of our Laws against *Conventicles*, of which I shall speak more, when I come to Consider our Factions.

7. In Antient Times the People were so addicted to the Nobility, and fond of their Gentry, that two or three discontented Noblemen made nothing to bring an Army into the Field, and fight their Sovereign; but the Wars betwixt the Houses of *York* and *Lancaster* having almost totally Ruined, and Extinguished the Antient Power

Power of the Nobility. *Henry* the 7th by Politick Laws. *Henry* the 8th by his Violence, and *Queen Elizabeth* by her Severity against the Great Men, and Condescensions to the Populacy, have so turn'd the Tide the other Way, that the People do now as much Slight, and Undervalue them: And to this the Factions in Religion have contributed very much; for one of the first Principles these Lanthorn men teach their followers, is to despise their Betters, and suspect, and speak Evil of their Superiors, which Added to the Natural Envy all men have for them who live in a more splendid condition, bids fair for the Extirpation of all our Gentry, and Nobility, if they do not regain the Love of the People by Virtue, and Extinguish these Factions by a severe, and constant Execution of our Laws, as I said before; but however, this they may be certain of, the Enemies of the established Religion are their Irreconcilable, and Sworn Enemies.

And this brings me to the third Thing necessary to be known, *viz. The several Factions we have amongst us, and how to Govern them.* Which I reckon to be three, the *Popish*, the *Puritan*, and the *Commonwealth Party*; which is made up of Men of all Religions in pretence, tho in the Bottom they may be suspected to have none.

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Popery was once the Sole Religion of *Popery*.
England: and altho they were well disposed to throw it off by the *Exactions* and *Oppressions* of the Court of *Rome* in the days of *Henry* the 2^d, and King *John*, as appears by the Complaints made of them in the Reign of *Richard* the 2^d, and at other times in Parliament; yet when *Henry* the 8th resolved to Extinguish the Pope's Supremacy by an Oath, many stuck so heartily to it, that they Suffered Death, of whom Sir *Thomas Moore* was the Chief, who had been Lord Chancellor of *England*; and besides, that Prince maintained the greatest part of the Popish Doctrine intire to his last breath; *Edward* the 6th reformed the Doctrine too; but he Lived not long; and Queen *Mary* his Successor threw all things back again into their former state, and reconciled her Self, and the Nation to the Pope: Queen *Elizabeth* on the other side, followed the Example of her Brother, and settled the Religion, as now it stands; but then these irregular Motions kept mens Minds in great Suspence, so that they knew not what to think; and some men had changed so often to Comply with their Princes, that at last they were ashamed to change any more, and so Continued Papists in Queen *Elizabeth's* time, tho they had been Protestants
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in the Reign of *Edward the 6th*. Others imbraced the Protestant Religion then; with a resolution to desert it again, if the Times Changed; but their Children became sincere, and they died in that Profession, when they never had any occasion to alter it with Safety. And many thro Prejudice and Education; and for Want of Means, and Ability to Examine things, Continued in the Popish Religion; but yet the greatest part of the Nation took up an hearty Aversion for it, out of a detestation of the Cruelty they had seen used in the Reigns of *Henry the 8th*, and *Queen Mary*; and of the Treacheries they had seen practised against *Queen Elizabeth*, whom they infinitely Loved and Admired.

And indeed the Length, and Prosperity of her Reign, had in all Probability put an End to that Faction in *England*, if two things had not kept up their hopes, and revived it.

The first of which was their Expectation, that *Mary Queen of the Scots* would have succeeded her in the Throne, who was true to them; and when this was Cut off by her death (tho that was a long time after,) yet they still flattered themselves some other person of their Perswasion would inherit her Crown, and put an end

to their Sufferings: And the truth is, it is the Nature of Mankind to hope for Extraordinary assistances from God, especially when they suffer for Religion; and this is it that maketh it so difficult to Extirpate those *Factions* that are built upon that pretence.

The second thing that tended to uphold *Popery* in *England*, was the *Policy* of *Philip* the 2^d. King of *Spain*, who to revenge the Assistance the Queen lent his Subjects in *Flanders*, then in a War with him; built several Colledges at *Doway* and other places, for such *Priests* and *Jesuits* as fled over to him out of *England*, and endowed them with some small Revenues, and these made it their business to draw over as many of the *English* Youth as they could, especially of the Nobility and Gentry, and there they bred them up in an invincible hatred of the Religion by Law Established; and Others they sent over with Orders to preach up *Popery* as much as they durst; and had it not been for this, there had been very few *Papists* left at that Queens death, who reigned 44 Years.

Tho King *James* were infinitely disobliged by this *Faction* at his first coming to the Crown, by the *Powder-Plot*, and so made Severer Laws against them, than
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Queen *Elizabeth* did; yet neither were they Carefully Executed in his, or his Sons times, yet this *Faction* sensibly decreased, and a great part of those that remained were ruined by the War; and the late Plot in this King's time hath proved very effectual to bring off many more from that Opinion; so that by one means, or other, it is become one of the most despicable *Factions* in this Nation; and if the Blow had been well followed, might perhaps have been intirely ruined.

Had Queen *Elizabeths* Methods been well pursued by all her Successors, they must in likelihood have been Extinguished; but there was an Odd sort of Policy taken up, which was to Slacken the Execution of the Laws against them, that they might be a Counter-balance to the *Puritan Faction*; which produced two great Evils. First, They were so far from lending us any Assistance against the *Dis-senters*, that their *Priests* encreased the Number of them by Preaching up their Opinions, and Adding to them, as appears by a small Pamphlet called *Foxes and Fire-brands*, which proved they were the Fathers of Extemporary Prayers in Publick assemblies. And by several other such Stratagems which they imployed against us.

Secondly,

Secondly, These *Dissenters* made it their great business to inculcate into the Heads of the Rabble an Opinion, That all the Lenity, that was used towards the Papists, proceeded from a Love to Popery; which both made more *Puritanes*, than there would otherwise have been, and made them better thought of by the Rabble, so that instead of Diminishing, or Weakning that *Faction*, it encreased it, and added reputation to it; and the *Papists* made the same use of it, and drew over some Weak, and Unsteady Souls to joyn with them; so that our Enemies encreased on both sides, but especially the *Dissenters*; and this was all we ever did, or can get by that Extravagant piece of Policy.

Besides all this, the People will ever entertain jealous thoughts, and be discontented at all those, that ever so little favour the Papists, and so long as there is any Number of them amongst us, besides all the disquiet they give us, the Factious *Dissenters* will take hold of that pretence to do us a mischief, as time, and opportunity serve.

So I conclude it is the Interest and Duty of all Magistrates, to put the Laws against them Constantly, and Vigorously in Execution, and especially those against
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sending their Children beyond Sea to be bred in the *Seminaries*, and *Jesuites* Colleges, where they learn more Malice and more Skill, than they could do in *England*.

And because this is a work of time, it is their Duty in the interim to shew the People two things ; First, That these reliques of Popery are not in any Capacity of doing us any great mischief, if we do not contribute to it by our own folly, they being few in Number, and generally hated. Secondly, That the *Dissenters* are never a Whit better, than the *Papists* in many of their Opinions, or Practices, especially those that relate to Government ; and that tho they have ever declaimed most furiously against Popery, yet they have always maintained under-hand a Correspondence with them, and they have mutually helped one another to destroy us.

And even when the *Dissenters* knew it not, have they been influenced by Popish Emissaries in disguise, who inflamed their fiery Spirits during our late Rebellion, and drove them to that height of Fury, that they Murthered their Prince, and an hundred thousand of their fellow Subjects with unheard of Barbarity ; and yet in the mean time little thought whose Agents they were,

were, and now the Secret is discovered, they pursue the same design, and lay all that is past to these Papists, tho not one of a Thousand was so, as all the World knows. It were more ingenuous to Confess their Error, and forsake all those Courses, and Principles, which gave the *Jesuits* opportunity and encouragement to push them on to such Lewd, and Wicked Practices.

Before I was *aware* of it, I am fallen upon the second *Faction*, which is the *Puritane*, this was at first all of a piece, and all *Pure Presbyterians*; but in the Reign of Queen *Elizabeth*, began to subdivide, and in the Late Rebellion they Crumbled into so many, that they have now no common Ligament to Unite them, but their hatred to the Religion by Law Established; and *Presbytery* which gave them all life, is now one of the smallest, and most Contemptible amongst them.

The Rise of this was owing to the *Marian* Persecution; for many of our Country-men, especially the Clergy, were by the fury of it forced to flee into *Germany*, where some of them settled at *Geneva*, *Zurick*, and other Places, which had imbraced *Calvin's* Method of Discipline, and so became in Love with the Novelty of it; others stuck to that which had been set-

led here in *England* in the Reign of *Edward* the 6th; and this Caused a sharp Bickering betwixt them at *Franckford* in the Year 1554, in which they that stood for the *English* Liturgy at last prevailed.

Queen *Mary* dying soon after, these too, got the start of the *Genevists* in their return, and the Queen, who understood her own Interest very well, Settled the Religion as now it stands; Knowing that *Presbytery* was Calculated for *Common-Wealths*, and destructive of the Rights of Sovereignty and Monarchy. Yet She Advanced many of these men to Deanaries, and inferior Dignities in the Church; and they again so far Complied with the Religion Established, as not to make any open separation from it, tho they were ever, and anon Complaining of Ceremonies and humane Impositions. The reason of their Compliance was, because they had no great Party in *England* to back them; and the Reasons why the Queen bore with them were, the Want of Learned men to supply those Places, their Zealous Preaching against *Popery*, which was then the only *Faction* that was feared, and the hopes many men had that in time they might become wiser.

In the first 9. Years of the Queens Reign, the *Papists* as well as the *Dissenters*

ters frequented our Churches, and Liturgy, and they began the Separation both at once; and it is now apparent, that *Hallingham*, *Coleman*, and *Benson*, three of the first *Puritan* Separatists, were *Roman Priests* in disguise. As is undeniably proved by *Dr. Stillingfleet* in his *Preface* to the *Unreasonableness of Separation*, &c. from that Pamphlet I lately mentioned, called, *Foxes, and Firebrands*, which was Published by *Dr. Nalson*, and is in his First Voll. of *Historical Collections*, reprinted; so that it is probable, if these *Romish Priests* had not pushed things forward of Purpose to ruine us by Divisions, this Faction might have expired with those men that brought it out of *Germany*.

But however, there were two things recommended it. The design of Extirpating *Episcopacy*, made all those men favour it, who had a mind to the Bishops Lands, and had any hopes to possess themselves of them, which were then Courtiers, under the Queen, and some Country Gentlemen. Secondly, The inferior Clergy, who were ambitious, and well conceited of their own ability, were highly pleased to be enfranchised from the Jurisdiction of the Bishops, and with the Assistance of two Lay Brothers, to govern all at their discretion, and many of the Laity

had a mighty conceit to be tampering with Church Discipline, which the less they understood, the better they thought they could manage it.

And *Scotland* Reforming at the same time, the Queen (who preferred any Religion before *Popery*) suffered *Presbytery* to be settled there, tho, she might, perhaps, have prevented it at first. And the intercourse that from thenceforward was betwixt the *Scots* and Us, increased very much the Number of Our *English* Dissenters.

Having thus won Over in time a Considerable Number of the *English* to joyn with them, and finding there was no probability to perswade that Queen to unsettle the Church again to introduce their Discipline ; and Perceiving they got small Advantages by Preaching, they fell a Printing Libels against the Bishops, and Church-Government, and Ceremonies, insolent Petitions to the Parliament, and in Clandestine manner held great Meetings of their Party, and in them resolved to set up their Discipline without Law, and against the Queens Will, and some of them attempted to raise Insurrections in *London*, and were hanged for it, and the rest prosecuted in the High Commission, and other Ecclesiastical Courts.

So they got small Advantage during the Reign of Queen *Elizabeth*, and not much more in King *James* his time, his Majesty being perfectly well instructed in their Principles, Practises, and Tempers in *Scotland*, by the Experience of what he and his Mother had suffered by them; so despairing of Prevailing by Art upon the Crown, they Moulded themselves into a State Faction, and by recommending their disciples and favorers to the People for Good-Commonwealth-men, hoped in time to Force the Crown, to vail to the Scepter of Jesus Christ, as they Blasphemously call'd their Discipline, by getting them into the House of Commons, by which means they plagued King *James*, and at last ruined his Son.

But these Good-Common-wealth-men, when they had got what they aimed at, had no more mind to submit to *Presbytery*, than the King before them; and there were such a powerful Quantity of Under-Suckers sprung up, that it was not safe in the Uncertainty they were then in, to disgust them; so *Presbytery* was laid aside first, and then persecuted, in *England*, and totally ruined in *Scotland*; and *Independency* reaped the Crop of Advantage which *Presbytery* had sown in blood; and by the Help of a general *Toleration*, there was

as great a Swarm of several Religions in *England*, as there was of Lice, and Frogs, in *Egypt*, till at last the Land stank with them.

And the *Common-wealth-men* too, fared no better than the *Presbyterians*, for when by a long Series of Hypocrisies, Perjuries, Treasons, Bloodshed, insufferable Taxes, Sequestrations, Plunderings, and Decimations, they had almost ruined and impoverished the Whole Nation, their own *General* and Army at last turn'd them out of Doors, and took possession of the spoil, and left them to share the Sin, and Infamy amongst them: And so the Nation, after a tryal of a brace of Tyrants, and half a dozen Sorts of *Common-wealths*, returned in the Year 1660, to the same state it was in before, under his Majesty who now Reigns. Whom God Long Preserve.

I have drawn this *Narrative* as short as ever I could, and by a Necessary Consequence, I have been forced to Leave out many Particulars fit for Magistrates to be acquainted with, in order to the fully understanding how destructive these Mens Principles, and Practices are, both of the *English* Liberties, and Government, and also of the Religion Established, and indeed of all Monarchies whatsoever: But

if

if the Reader desire further information, he may have recourse to the Piece I cited above of Dr. *Stillingfleets*, and to Dr. *Heylin's History of Presbytery*, who have Learnedly treated, with others, of this subject at large.

All that I will infer from it, is, That be the difficulty what it will, these Factions must be suppressed, and Extirpated, or the Government and Peace of *England* can never be Secured; We all see how Near the brink of Ruine and Destruction they brought us once before, and it is ridiculous to expect the same causes will not produce the same effects, if they be not Over-ruled by the Divine Providence, from which it is in vain to Expect any assistance, without our Concurring endeavours as far as we can or may.

And this a man would think, were a sufficient Reason for the putting in Execution all our Laws against them, who have treated us so hardly without, and against Law, and by all the Crimes that ever were or can be perpetrated by men, endeavoured to destroy us; and he that can seriously reflect upon all this, and yet believe that they mean us no harm, must be left to Experience, the Mistress of Fools, for better information.

But

But then the Reader may be pleased to consider, it must be a constant as well as a severe Execution, that must do the business, it is, as I said, a Work of time, and Factions in Religion are not to be suddenly rooted out ; except we would depopulate our Country as the *Spaniards* did by banishing the *Moors* all at once, the ill effects of which they have since found, but cannot Remedy.

For if we be sometimes Severe, and at others Careless ; the one will enrage them against us, and the other enable them to Execute their Malice upon us at one time, or another ; and it may be, when we least expect it, tho it is at all times to be feared.

For they are a Faction in our Bosomes Strong, and Vigilant, who never did nor will slip any opportunity to advance themselves, and bring us under, and they will never want Monitors to incite, and stirr them up against us, as long as there is a *Jesuite* in the World, that is Knave enough to dissemble with God and Man, and pretends he is one of their Party ; And they will never want assistants as long as the Common-wealth Party is in being, who can rely upon none but these, for the Extirpating the Monarchy.

So I come to the third Faction, which is the **Commonwealth Party**, of which I have been necessitated to say something before the Time, of which Faction I may safely say, that it is of no Antiquity, for in Antient Times, when ever any Contests happened betwixt our Kings, and their Subjects; tho they Deposed, and Murthered several of their Kings; as *Edward the Second* and *Richard the Second*, and Rebelled against others; yet they never went about to destroy the Monarchy, but set up the right Heirs, or others of the Blood, in the place of the Dethroned Prince; but for any Attempt to set up a Commonwealth, all our Histories fail us till the last Rebellion, and then upon the Murther of *Charles the first*, they declared against Kingly Government, and for a Government without a King, or House of Peers.

Some have thought this was no part of their Intention at first, but that they came to it by the Event of Affairs, beyond their Intentions, but he that shall seriously consider by what Steps and Methods they brought things about and the Principles of the chief Men that managed their Affairs; can never think, that they intended less when they began; tho they were forced to conceal their designs
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because the discovering them too soon would certainly have defeated them. And I have read, that one of them thanked God, that he had Lived to see a Common-wealth settled in *England*, which he had designed to introduce 30 years before.

And in the Close, they did what they could to have had Monarchy and the Royal Family abjured tho they failed in the effecting it. *Vide* the short View of the Late Troubles, pag. 471.

1. In the next place it is fit to consider, whence this hankering after a Common-wealth sprung, and how it came to infect the *English* Nation; some have ascribed this to the more frequent reading of *Greek* and *Latin* Authors, and tho this might have some effect upon Tainted Minds, yet it is a Cause too weak to produce such an Effect. And therefore I rather ascribe it, First to the Presbyterian Principles, for as they are exactly Republican, as hath been made to appear, so the Men who first took up, and drive on those Practises, were all of that Party to a Man, or of those that had ever mightily favoured them.

2. In the next place, I reckon the Neighbour-hood and Prosperity of the *Dutch*, who having by War freed themselves

selves from all Obedience to their Prince, the King of *Spain*, chiefly by the Assistance of the *English*, those Souldiers that had lived many years amongst them, took such a fancy for a Common wealth, that nothing could satisfie them without it, and accordingly I have observed, that most of the Officers that the Parliament imployed in the beginning of the late War, had been bred Souldiers in the *Netherlands*.

3. As the Papiſts send their Children to *St. Omers*, and other places to be Educated in an Aversion for our Religion; so these Common-wealth Men send theirs to *Holland*, *Geneva*, and other such places, from whence they return poysoned with Antimonarchical Principles, and are always seeking opportunities to distaste the People with our Ancient Government.

4. The discovery of the *West-Indies* brought a vast Wealth into *Europe*; much of which falling into the hands of the *English* Nation, they grew Proud and Ungovernable, especially after King *James* had put an end to the War with *Spain*, and they had enjoyed a Peace of near Thirty Years Continuance, and that Trade and Peace, and Wealth, should make men Ungovernable is no new thing, as long as the *Grecians* and *Romans* were poor and weak

weak, they lived contentedly under Kings, but when they grew Rich, and Powerful, they threw off that Government, and set up Common-wealths.

Two things afforded them great opportunities, if not Temptations to it: The first was, the Poverty of the Crown. The Old Revenues were much impaired by the Liberality, or Necessities of our Princes, and no relief could be had but in Parliament, and there they knew so well how to truck, that no *Prerogative no Money*; They would not freely give, but sell the King Supplies for Liberty; and they took care too to increase that Necessity, by engaging the King in Wars, and then denying him Money to carry them on, and to discontent the People at the same time at the Unprosperous Events of them. Thus the Crown grew every day poorer, and the People Richer.

Another thing was, the Factions in Religion, which howsoever they were Managed, one Party or other were dissatisfied, and thereby disposed to Wreak their Malice on the Crown, by Electing such Men to serve in Parliaments, as were ill disposed to it. Whereas before, when *England* was all of one Religion, it was scarce

scarce possible to pretend any thing, in which the whole Body of the People were Concern'd; So that these Animosities in Religion, ended in a Civil Faction, and many Ambitious Men who cared for No Religion, did yet make use of them, as tools to Work their Ends upon the Crown.

Two other things Contributed very much to the effecting their designs. First *Scotland* led the Dance, and Rebelled upon pretence of Religion; and altho the King might easily have Conquered them by a Battel, or Blocking up their Harbours; yet being a Tender Prince, and unwilling to shed the Blood of his own Traiterous Subjects; he rather chose to end the Controversy by a Treaty; which gave them time to Concert their Affairs with the *English* of the same Faction, and that furnished them with means to raise another Army and enter *England*, which necessitated the Calling of that Fatal Parliament, which had like to have ruined the Monarchy, and Nation both at once.

Secondly, the *Irish* Papists Rebelled at the same time, and rising suddenly, Massacred 100 000 *English*, which so depopulated *Ireland*, that the King could have no Assistance from it, the remaining *English*

glifh being hardly able to Subfift ; and the Parliament made another Advantage of it, by perfwading the *Englifh* to believe the King had Procured this defolation there.

The City of *London* lent the Parliament Money, furnished them with Tumults to Drive the King out of it firft, and then with Armies to force him back again ; and too many of the Gentry were Lazy, and would not ftir, timorous and durft not, discontented, and willing the Crown fhould be reduced, tho not ruined.

But when they came to put the Project in Execution, and after the ruine of the King's Forces, to erect their Commonwealth of *England*, there were other difficulties that could not be overcome, their own Army that had done their Drudgery, would not be Disbanded, and they could not force them. They had rid their hands of one of the Three Eftates that Conftitute our Parliament, the Spiritual Lords, at firft. And there was a parcel of Lords Temporal, who for a long time Acted with them ; but at Laft, being not able to digeft the Infolence of the Commons, ftood off ; upon which they Voted them *Ufelefs*, and laid them by too. So that all was then in the hands of the Commons.

They could not, or would not Diffolve
them

themselves, in the state things then were, for then the whole Power would have been in the Army, and Officers, who might easily have prevented the Meeting of another Parliament, and the whole Nation was dissatisfied to see them divide the spoil, and profit, amongst themselves, without any hope that any, but they and their Relations should partake with them in the reward, as they had in the danger; the Gentry were generally known to have Wished well to the King, and the Rabble were to be pleased, by suffering them to insult over their Old Masters, and the Royal Party, tho Conquered, were not dejected, and the Godly Party were fallen in Sunder, and the *Independents* were persecuting their Sire, *Presbytery*.

The Commons were a Body constituted of two Knights for every Shire, and two Burgesses for each Corporation; and the Latter exceeded vastly the former in Number: and tho this inequality had not been much regarded Under the *Monarchy*; yet now the House of Commons was to be made the *Standing Senate* of the Nation, the Counties Would not indure it; if the People had suffered any Grievance under the *Monarchy*, they Complained in Parliament, and had redress. But Now
H they

they had no body to complain to but the Commons, and they, when the Case became their own, Answered them with Blows, and Death.

So that what looked so prettily, and easy to be affected at a distance, when it came to be tryed, was found impracticable, and the most insufferable Slavery in Nature, and one fell to devise one Remedy, and another another ; but none would do, and the Commons were not to be dispossessed of what had cost them so many Lives to purchase it, so the Sword determined the Controversy here too, and to the general joy of the whole Nation, the General, and Army-Saints sent them packing to Consider, what they had done and what they deserved, but the Wealth they had got by Villany, did yet afford them some Consolation in this World. As I said before.

I have been as short, as possibly I could, and I have purposely omitted many things, which should otherwise have been spoken that I might be so ; and now with the Readers Patience, I shall enquire whether the design of extinguishing the Monarchy, be really and totally laid aside at this day : to which I answer No.

For first all the Principal Causes do still subsist, We have the same Religions, which
then

then we had, and they have the same Principles, and Dispositions, and follow the same Methods they then did; they Educate their Children in the same Places, and recommend the same sort of Men to the People they did before. But there are some things, that stand in their way, which did not then.

1. His Majesty hath a better Revenue than his Father had, and this is a great Block in their way, but they hope it will end with his Life, and in the mean time we know, what hath been done to Curb him in that particular.

2. His Majesty hath a strong Guard alwayes in Pay, so that Tumults are not so safe, especially at *White-hall* Gates, as heretofore they were, and this is the cause the Nation have been told, that they are Papists, and dangerous to the Liberty and Property of the Subjects.

3. The Militia of the City of *London*, and the rest of the Nation is in Trusty hands, and no Rebellion can for the present be safely begun, and therefore the Chief Officers are Traduced to the People, as Men of Arbitrary Principles, favourers of Popery, and Papists.

4. The Ministers of State are all represented to the People, as *French Pension-*

ers, and Papists in Masquerade. What the meaning of this is, my Lord *Bacon* shall tell you. This is a sure Rule, that if the Envy upon the Minister, be great, when the cause of it, in him, is small; or if the Envy be General in a manner, upon all the Ministers of an Estate; the Envy (tho hidden) is truly upon the State it self. Essay the 9th. But then 'tis not so easie to destroy them as it was before, because 'tis better known now.

5. *Scotland and Ireland* are quiet, and His Majesty hath good Guards in both of them to keep them so, whereas his Father had none, and tho there have been dreadful Complaints of them, and divers Attempts in *Scotland* to destroy them, by the Covenanting Whiggs, yet it will not do, there they are still, and no body can help it.

6. The Nation hath a strong Impression left of the Miseries of the Late War, the Blood-shed, Taxes, and Tyranny they then groaned under, and his Majesty cannot forget the Methods that were used to destroy his Father, and Banish him, and he will never give them *leave* to play over the Old Game, and this was it, which made the Late Conspiracy to Murther him, so necessary.

7. The



7. The House of Peers have no *mind* to be Voted down the second time, and they stoutly oppose what ever tends that way; and the Dissenting Lords have lost the Assistance they formerly had, from the Popish Peers in that House, and may protest and complain, but could never carry one Vote since; a manifest Argument, how much the Puritan, and Popish Faction stand in need of each other.

8. The liberty of the Press was for several years lost, but since that restraint ended, we have not wanted Seditious Pamphlets, to incite the People to another Rebellion, which were written by some body for something, and were bought up, and read by vast Numbers of People, who in all probability, had no mighty Aversion for them.

The same Fears and Jealousies have been revived and buzzed industriously, into the Heads of the People; but there is a certain Act of Parliament, that makes it dangerous to Traduce the King, as they did his Father; but what no body durst speak directly, they can slyly insinuate, and avoid the danger of the Law at the same time; and there are several other Acts of Parliament, which have made the design of the Republicans difficult, which I will omit.

Now, I say, considering all these Difficulties that were not before, and that all that were before are still in being, and that Men have naturally an Aversion for hempen Neck-laces ; I say, considering these things, any man, that will, may see there hath been as much done, as could be, towards the setting up another **Common-wealth**, and more then the Gentlemen in 41 durst do, till they have an Army to back them, and if any man be disposed to believe these things come to pass by chance, and without any design, there is no reason why I should disturb the rest of the world, by endeavouring any further to satisfie him, which in all probability is impossible.

But there is one question behind still, and that is, What the Inferiour Magistrates and Justices of the Peace, shall do to prevent this Faction from attaining what they aim at ?

1. To which I answer, first, take away the Cause, and the Effect will follow, the Puritan Principles, and Factions gave Being to this, and with them it will fail, but as long as they subsist, and are powerful, the Common-wealth Party will be so too, it is true that many forsake the Factionous in other things, but joyn with them

them in this, but then they are false at the heart, and have left the rest, only because it was chargeable, being of that Party, and are to be treated accordingly, and never to be trusted.

2. The People are frequently to be told of the Miseries they endured, during the Late Times of Anarchy, and Confusion, that the Memory of them may not be forgot in the next Generation ; and by what means the Nations became involved in them, that they may not have the opportunity of Re-acting the Old Tragedy.

3. The Government ought to be represented to the People as it is ; that they may know their own happiness, and live obediently under it. A good Man would not endeavour to subvert any Government that were Established, tho it were none of the best, because the Miseries that attend such Changes, are greater for the most part, then those that are pretended to be removed by them, but for us, to attempt to pull down one of the Ancientest, and best Constituted Governments in the World, under which *England* hath flourished so many Ages, and to deliver ourselves up into the hands of a Company of Ambitious Men, to be treated we know not how, and Governed we know

not which way , is perfect Mad-
ness.

4. " It is well observed in *Tacitus*, Li-
" berty and other Specious Things are
" pretended ; Nor did ever any man seek
" a Dominion over others and to enslave
" them, but he made use of such preten-
" ces for it. We have tryed these Men,
and by experience have found that they
are meer Pretences, and that there is no
sweeter Liberty in the World, then to
live under a good Prince, and God hath
given us one to our hearts desire, let us
not be such Fools as to catch at such sha-
dows as they offer to us, and loose the
real, and solid good things we do en-
joy.

5. The Throne is established by Righte-
ousness, *Prov.* 16. 12. And ancient Histo-
ries afford us many instances of good Prin-
ces, that have been ruined by the Injustice
of their under Officers, when the People
have been intraged by them ; Now every
Inferiour Magistrate may in this contri-
bute much, to the disappointing the wick-
ed Designs of this Faction by doing Justice,
and cutting the Roots of all Discontents,
before they rise to Assault the Throne, or
spread to undermine it. It is a common
Complaint, that we have excellent Laws,
but they are ill Executed. I know the whole
fault

fault of all this ought not to be ascribed to the Magistrates; but yet we are not such as we ought to be: If any share of it lies at our Doors, and if the Throne be made odious and consequently weak by our defaults, we must expect to suffer first, and to bear the blame of it hereafter; our Oaths will keep us from joyning in a Rebellion, and our Loyalty make us obnoxious to their Cruelty, which as *Tacitus* saith, is the greatest Crime amongst Rebels.

If therefore neither the Memory of what is past, nor the sence of what is present, our own nor others experience will prevail upon us, to prevent the ill Effects we must in reason expect from the Conjunction of the Puritan, and Commonwealth Factions United, and Fermented by the Popish; if we will still resolve to try whether our Saviour's Rule is true, *That a Kingdom divided within it self cannot stand*, Math. 12. 25. then are we such men as deserve no pity from God, or Men whatever follow.

But on the other side, if we would buckle to the Work, and with Zeal, and Industry, and Patience pursue it, by God's Gracious Assistance, we might soon bring under these two Factions, and in time Extirpate all the three, not by a destruction
of

of their Persons, but of their Pernicious and Disloyal Principles, and whoever hath but the least share in this great work, shall be blessed in this, and all succeeding Generations.

SECTION VI.

I Come in the next place to speak of a sort of Qualifications so necessary in a Magistrate, that without them he would never be able to discharge his Duty, as he ought, which I shall reduce under these three heads.

1. A great Love to Justice.
2. Impartiality in executing it.
3. Aversion for those things that may hinder it.

Solomon saith, It is a joy to the just to do Judgment, Prov. 21. 15. And except men take a joy in it, Judgment will certainly be ill done, if at all, especially by those men who have no other reward for it, then the satisfaction of their own minds, and the sense of having served God and their King and Country in a Station,
that.

that brings them no personal Advantage. We may say truly of the Justice of Peace his Calling, that there is much Noise, and no Wool, and as for honour, the better he is the less he must expect it, in this perverse Generation. Envy and Ill will he may be sure to reap, but for any solid satisfaction, unless what results from the Peace of his own Mind, and the blessed hopes of a Future Reward from God, the Righteous Judge of Men and Angels, he will find himself miserably deceived in the Event, if he at all expects it.

And this is not the worst of it neither, difficulties he will meet, that will require the utmost degree of Patience, Prudence, Industry, and Attention to dispel them, and without Gods particular Assistance, it will not be done at last, but instead of doing Justice, he will do Injury, and Injustice, and he will have cause to complain, *Dum falsum nefas exequor vindex, scelestus incidi in verum nefas.* Whil'st I pursued and punished an imaginary, and supposed Crime in another, I have committed a real one my self, and this will be a great misfortune even then when it is no fault, and much more when it is.

When these, and a thousand other difficulties which no man can foresee, are considered, it will I suppose be easily granted, that
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he that is to encounter, & overcome them; had need have a strong, and almost invincible Love to Justice to enable him, and support him in his undertaking. And perhaps if it were well considered, there is not a greater instance of the Divine Providence in the Government of the World, then that so many friends to Justice can be found as there is, Men that Court and Espouse her purely for her own sake, without any other Dower, then that of Sorrow and Vexation of Spirit, whose Business, Pleasures, Recreations, nay their very Prayers, and Meals are interrupted by their thankless, unprofitable, uneasie employment, and yet God for the good of others sweetens all this, and tyes them as close to it by the Cords of Love, as a Hen to her Eggs, and Chickens, from which she can never reap any advantage.

But then those that are not so qualified, should in Prudence never attempt to meet these Rampant Lyons, which they may be sure are in the way, and if any of them will not consider it before-hand, his own experience will soon inform him of the truth of what I say.

I speak not this to discourage any man but to forewarn him, that he may be provided with a resolution equal to the opposition, which only Love can inspire; fear
it

it is true hath sometimes made Men Valiant, but then that is a forced Courage, which will not last; lay the man a golden Bridge, open him a way, and you may be sure never to be troubled more with his Valour, or his Justice.

But he that loves any thing pursues it through Fire, and Water, and Death it self cannot extinguish the desire. Tell him of dangers, and he replies, *At contra Audentior ibo*, but I am resolved to master them. These and these only are the fit Men to serve in this Honourable Employment, and may God Almighty bless and reward those we have, and send more such Heroick Souls into the Field, to discountenance Faction, and Vice, and to protect Innocency, Religion, and Virtue.

And to the rest I shall offer two, or three things to be thought of at their leisure. Will any man in his right Wits expect Peace without Justice? What were the World but a Hell of Misery, and a Chaos of Confusion, if every man might say, and do what he list? Were it not for the publick Justice to terrify some, and cut off other Malefactors, your House would be a Castle to you indeed, but surrounded with such dangers, that you should neither eat nor drink, nor sleep in Peace and Security,
and

and the more Opulent your Fortunes were, the greater would be the temptation to destroy and impoverish you ; go into the fruitful Countries of the *Mogull* in the *East-Indies*, and you shall find vast Spaces of Rich Soyl desolate, and uninhabited, only for want of Country Magistrates, to protect the good, and punish the disorderly, for that Prince sends but few Governors into his vast Provinces, and they reside in the great Cities, so that the Poor and Remote have small advantage by them, and so would it be in *England* if all men were of your minds. But you will say there is no fear of that, but then you shall be as accountable to God, and your Country, as if it had really happened, for tho man cannot punish these Sins of Omision, God can and will. But you must gain Portions for your Children, and encrease your Estates, yes and your Sorrows too, to see all your Labours end in Smoak, a Civil War destroy that in an hour, you have been carking for many years, and your Beloved Daughter become the Prey of a Lieutenant, or a Captain at the best, who has nothing to Joynture her in, and takes her and all the Thousands you have scraped together for her, in part of payment for the publick service, or dis-service, as it happens, and it may be your Grand-children

dren may after all this have the honour and happiness to be Tapsters, or Ostlers in some great place. When if the Publick had been better minded, your Daughter and her Descendants might have been happy. These are no vain speculations, so that if men would consider seriously of it, they would love Justice, if not for it self, yet for the Consequences of it.

2. Next to the love of Justice impartiality in doing it is to be considered, for it is possible to turn Justice into Worm-wood, and Gaul, the best and sweetest of things into the bitterest; and here so many by-ways offer themselves, that a Justice of the Peace had need be a man of great Sincerity, and Integrity to avoid them, and pursue the streight Path of Justice.

Some Men have that Veneration for Great Men, that they durst not oppose their Wills, or Humours in any thing, be it never so unreasonable, or unjust; and here if a Controversy happen between a poor Servant, Labourer or Tenant, and the Lord of the Mannor, or other Rich Person, all the Arts in the World, all the shifts and tricks imaginable are upon such an occasion, to be mustered up to prove the poor Party in the wrong, and the rich one in the right, 'is Witnesses (if he have any that dare stand by him,) are to be defamed;

famed; all his whole life is to be searched into, to find a flaw in it, tho nothing to the purpose; if the man still stands stoutly to it, and will not furrender at once his Integrity, and his Case, hands and eyes are lift up in Admiration at his Impudence; if he speaks one word for another, or indiscreetly what had been better omitted, then for a loud fit of Laughter to put him out of Countenance, that the Legerdemain may be better carried. If nothing else will do two or three bawling Attorneys, must be called into the business that the success may be assured, nay and it is well too if Mr. Justice can excuse himself from passing a promise before hand, that he will determine in favour of the Gentleman.

If I should speak all I mean upon this Theam, it would look as if I designed a Satyr or a Libel; But that is the furthest thing in the World from my thoughts. I do heartily blush, and grieve to think such things should be done amongst Christians, but that will not Remedy the Evil.

Let such men know then, that God hath made both the Poor, and the Rich, and he careth for both alike, and whoever he be that shall thus abuse the trust reposed in him, shall sooner or later be recompensed by him, according to his desarts, and the
greater

greater he be, the greater his Crime and Punishment, for Mighty Men shall be mightily tormented.

And let him not think neither that his Chastisement shall not overtake him, till he comes into the next World, which if it were true, would be a silly Comfort, that is, that he should only be damn'd for it, but it is ten to one if he meets it not presently, his own Conscience will at one time or other reproach him for it, the very Person he thus favoured, will ever after repute him a poor low spirited Coward, or a Knave, and however he may Flatter and Caress him for the present in shew, yet Condemn, and Scorn him in his Heart, and draw him along from one iniquity to another, till he become odious, and contemptible to all that know him, and the poor injured Party will be sure to revenge his injustice, by telling the Story, and after a while it will find belief, and then as the poor are most numerous, he will have many Enemies, and no Friends, for never did any man purchase a friend by injustice, and what the Effect of all this may be at last, I leave to all men to consider.

It is almost the same thing to favour a poor man, only because he is poor, tho it

doth not happen so frequently, for if he be in need, and necessity, thou mayest draw thy purse, and relieve him, but what hast thou to do with that, which is another Mans, the great Boy must not have the little Boys Coat, because it is fit for him, or he hath need of it, but every man must have what is his own, otherwise you may call it what you will, but Justice it is not.

Besides these two, there are two other differences which may often happen in those that come before a Justice of the Peace, he is to do Justice at home amongst his own Neighbours, and some of them are his Kindred, his Friends, or their Relations, others are under his displeasure, and may have offended him or his, in something or other, and these two affections of Love, or Hatred, are great Corrupters of Truth and Justice, and the Historian took great care to prevent this objection, by saying, (*Mihi Galba, Otho, & Vitellius, nec beneficio, nec injuria Cogniti.*) Galba, Otho, and Vitellius were not known to me, either by their injuries or benefits, if they had, there might have been some reason to have suspected his Relations of them, but this is much more powerful in a Justice of Peace, or Inferiour Magi-

Magistrate, then in an Historian, they all hope their Writings shall live and be read by all Men, and there can hardly be a delusion of that sort imposed upon the World, but one or other by one means or other, will discover it, or the piercing Wits of Men will find it out from the very Historians themselves, but those things that are to be done but once, and are often never more thought of, are not of that Nature, and may possibly never be discovered, or soon be forgotten, as some men think; but this is a very great disception, when a wrong Judgment is passed, all men will make it their business, to discover how it came to pass, and if there were any former kindness, or quarrel tho many years before, will conjecture that to be the Cause, especially if the Justice doth not give good reason for what he doth, and they will suspect it where it is not too, and therefore it is good in those Cases to do as little as a man possibly can, without the Conjunction of others.

For say a man could escape the Eyes of all Mankind, (which is very difficult if not impossible) yet he can never delude God, he penetrates the bottom of our hearts, and discovers our most secret inclinations, and affections, and will surely punish us if he finds they lead us to pervert Justice;

and Judgment, and besides this Sin it includes in it Perjury too, for it is contrary to our Oaths, and he that can hope to digest these two grievous Sins, will hardly much regard any thing I can say unto him, but must be left to time, and the Justice of God, to learn the contrary.

Respect of Persons is in some sort a worse and more fatal Crime then Bribery, for both Parties may bribe me, but no man can make himself my Kinsman, or grow rich in a moment, and therefore it is impossible to correct it, besides it is observed that such men are of a base unconstant Spirit, for there are degrees of Love and Hatred, Hopes and Fears, and such a man will comply with one Party one day, and another another day, without Justice or Reason, as his Interest or Passions lead him, so that no body is sure of him, for he will as the Scripture saith, offend for a Morsel of Bread, that is, for any thing or nothing, and therefore all men should avoid them, as they would a Thief or a Cut purse.

There is another sort of Partiality that springs from things, some Men have a kindness for some Vices or Factions, and they love that in another, which they cherish
in

in themselves, and so if any Complaint be made, they wrest, and bend the Laws to comply with their humours, and interests, and sometimes they stretch, and sometimes they shrevil, and shrink them up to nothing, and this is direct Partiality ; the same Offence should have the same Punishment whoever commits it, and every Offence that very punishment, which the Laws have appointed and no other ; and if any difference is to be made, let it spring from some Consideration in the Persons or Things, and not from us, punish a poor man according to his Offence, and his Poverty, and not according to your affections towards him, but if you discover any such thing within you, be sure to curb it, at least to suspect it, and punish your Friends according to Law, and your Enemies something less, if you must do it, and so in relation to other things ; a man should be most severe against his own Vice, to shew the World he is not desirous it should follow his example, tho when all is done, the best way of Correction is for a man to begin at himself, and having formed his own Life according to Law, and Reason, then to try what he can do upon others.

I will in the next place consider those things that do most usually hinder, and

obstruct the Execution of Justice ; against which a Magistrate ought to arm himself, with an habitual and invincible hatred, and as often as occasion serve, declare it to the World that men knowing his resolution beforehand, may not dare to tempt him.

The first of which I reckon **Bribery**, which is so frequent an Impediment of Justice, that both the Laws of God, and Man have taken frequent notice of it, and severely threatned it, and it accordingly is attended with great Infamy for the most part if it meets no other punishment, and the greater in a Justice of the Peace, because the Persons and things that come before him are of that small Consideration, that he cannot in reason expect a Bribe in his whole Life, that would tempt a man of any Generosity to do an ill thing. What is half a dozen Chickens, or a Couple of Capons to a Man of Worship? and yet for such pityful prices have some men sold their reputations, and laid themselves open to the scandal, and derision of the World. It was a sharp reflection that was made upon them in Parliament, in the 44th year of the Reign of Queen *Elizabeth*, when one said, a Justice of Peace was a living Creature, that for half a dozen of
Chickens

Chickens will dispence with a whole dozen of Penal-Statutes. I believe as there was not then, so there is not now, many such pityful Animals Crept unto the Bench, and advanced to that Honourable Imployment, but then the less the number is, the more easily the Commission might be purged of these Vermin, who are a shame to the rest, and a great vexation to all their inferiour Neighbours, and a dishonour to the Government.

The ways by which Bribery is attempted are so various, that it is impossible to enumerate them all, sometimes the Wife, the Children, the Clerk, are purchased under-hand to recommend the Case to the Justice, and obtain a promise of him when he least thinks of it, and so if the man be easie, he is bribed and knows it not, and in this Case the best way is for a Man by his Actions to demonstrate to the World, that none of these have any power over him, or can influence him this or that way, and when men find themselves deceived, they will give over those tricks, and be ashamed they were ever guilty of using them.

Another Method is to offer their service as Labourers, at small or no wages, upon

urgent occasions, and then these days work are chalked up upon the Dorman, or behind the Door, and wo to the next man that gives the least offence to the Leather Breeches, his Worship is obliged to give him a Cast of his Office too, in his turn, and he is hard hearted and ungrateful, if he will not gratifie the Clown with a little Injustice, and Perjury, in exchange for his Labour.

Sometimes the Justice hath something to buy or sell, and then the bargain is driven with respect to his place, and what is lost, is to be made up with Advantage out of the depending quarrel.

If the Justice of the Peace be a Practising Lawyer, then he shall have a Fee for his Advice, which he is bound to defend too into the Bargain, be it right or wrong at the next Sessions, or else he loseth his Client forever.

Sometimes general Promises are thrown out, such as these, It shall be never the worse, or I will not be unthankful, and the like, which are like empty Caskes thrown out to entertain the *Leviathan* with.

In short, to go about to enumerate them all is impossible; And to prescribe any other Remedy against them, then a rigid and inflexible Honesty, is to no purpose; for this Winding Snake will creep up and steal upon a Man by such unforeseen ways, that it will not be in his power to prevent its approaches, tho he may easily and safely with *St. Paul*, shake off the Viper into the fire, if it fix upon his hand, and then the Exposing those that attempt it, to the World, by telling the Story publicly, will deter others from the like ill Courses, and a better remedy can no man invent.

Prejudice and Prepossession have the same ill Effects with *Bribery*. And indeed, *Bribery* aims at Nothing else, but to forestall the Judgment, and if that follow from any other cause, the effect is the same; it is all one to the Defendant, if the Justice Sell, or freely Surrender his Judgment to the Complainant, if he find him disposed to Condemn him before he hath heard him, credulous of what ever is objected, but intractable and imperswasible on the other side. So that *Bribery* and prejudice have this in common, that they both blind the Eyes of the Wise, and pervert the Words of the Righteous, *Deut. 16. 19.* and of the

*Prejudice
and Pre-
possession.*

two,

two, *Bribery* is the more Excusable, perhaps, because there is some temptation in it, but the other sells his Reason for Nothing.

It is well observed by the Lord Bacon in his *Advancement of Learning* concerning *Prejudice and Prepossession*, Book VIII. Ch. 2. Parab. 17. *The first information, in any Cause, if it a little fix it self in the Mind of the Judge, takes deep root, and Wholly seasons and prepossesses it, so as it can hardly be taken out, unless some manifest falshood be found in the Matter of the Information; or some cunning dealing, in exhibiting and laying open the same. For a bare and simple defence, tho it be Just, and more Weighty, can hardly compensate the prejudice of the first information, nor is of force in its self, to reduce the Scales of Justice, once sway'd down, to an equal Ballance. Wherefore it is the safest Course for a Judge, that Nothing touching the proofs and merit of the cause, be intimated before-hand; untill both Parties be heard together. Thus far this great Man, who was once Lord Keeper of the Great Seal of England. And a Justice of the Peace is in much more danger of being prepossessed than a Judge, because the Complaint is made at first immediately to him, and he may afterwards be more easily approached, yea, and deceived*

deceived too than a Judge, as being not so well versed in affairs, or prepared for the Execution of his Office by his Education, and therefore should be the more Wary and Jealous of himself.

Sometimes the prejudice is of an Ancienter date than the Complaint depending, and is sometimes the fault, and at others the misfortune of the Party: if he have given just cause for it by his former misdemeanors, and ill Life, then he can blame no body but himself, and yet the Justice ought not to condemn him in his very thoughts, till he is clearly proved Guilty; for the Worst of Men may be Wronged, and every man is supposed at first innocent, and afterwards penitent, till the contrary be shown, not by surmises, but by proof. But alas, we live in so False and Slandrous an Age, that the Fame of very Good men is often blasted behind their backs, and it is become a common practice for men to blacken their Reputation, whose Persons or Estates they design to Ruine; and for the most part, more mischief is done the Party by these Under-hand Accusations, which he can never answer, then by all the direct proof. And therefore the Justice of the Peace ought to suspect all informations that are from the purpose, as Slanders, and designed for

for no other purpose than to prepossess him with an ill opinion of the party.

What I have said will in some degree discover the Mischief of *Prejudice*; but there is this further in it. Reason is the Light and Eye of the Soul; Now if the Eye be simple, the Whole shall be full of Light; but if it be darkened with prepossession, *how great is that Darknes?* Matth. 6. 23. and I may add, how incurable, how inexcusable too? It is certain we shall all stand before the Tribunal of Jesus Christ, and whatever Judgment we here pass upon Things, and Persons, shall be there reviewed, and therefore it befits us to be very exactly careful that we do not draw upon us a just Condemnation from that most Righteous and All-seeing Judge, by condemning our fellow-Servants thro Prejudice, and Prepossession Wrongfully.

Nor let us ever think, that we shall escape the censure of men, for they will certainly at one time or other discover the Cheat, and esteem us according, as they find cause, tho perhaps they will not dare freely to tell us their minds, and if they never should, yet our Consciences will Accuse us for it, and God in his Providence, will take care to punish us for it, and that it may be in the same way we have offended.

So

So that he that can be secure in the midst of so many dangers, and open his Ears, and expose himself to every secret Whisper against a Man, is a Person disposed for ruine, and doth neither deserve the Advice, or Pity of any Man.

Bribery, and Prepossession do for the most part spring from others. *Favour and Hatred.* Favour and Hatred take their Rise from our selves, and are as great hinderances to Equal, and Impartial Justice, as the other two; there is no man so mean, but he may by Accident, or upon Design, oblige his Betters, and beget in them a good opinion of him, and most men are naturally apt to do it before hand, and all the little Arts of Flattery, Obsequiousness, and Courtship are on such occasions made use of, and many a man hath been drawn in by them, who would have abhorred a Bribe.

Nor can any man on the other side live so innocently, as at all times to avoid the displeasure of his Neighbours, and a Justice of Peace is as capable of resentment, as other Men, and in some degree more, because Pride, and great Expectations of Submission, and Regard do naturally follow Power in all its degrees and Circumstances, and the least opposition, or defeat exasperates such, more then ten times as much would another

nother, so that the Natural Consequence is, that a man in Authority, and Power will have many pretending Friends, and if he be not the more careful, as many real, or suspected Foes, and if his Love, and his Hatred have any room left for their Activity in the Execution of his Office, they will betray him to many Inconveniencies, and Acts of Injustice, which he would otherwise have avoided.

Whereas Justice should in this respect be blind, and not see the Parties, but the Fact on one side, and the Law on the other, and then with discretion, and impartiality, without Favour or Affection, Hatred or ill Will give to every Man according to his Works.

But in the State man is, this is so difficult, that if Reason and Religion be not called in to our Assistance, it will not be done, the man hath injured me, and therefore another, is false Logick, but yet so powerful, that it is almost impossible to see the Fallacy, especially whilst a Man is under the Dominion of Anger, and Hatred, which are powerful Passions, and the Argument is as weak the other way; the man is an honest man, and therefore would not do amiss, or complain without good Cause. Why, he is a man still, and subject to all the Infirmities of
Flesh

Flesh and Blood, and therefore I ought not to surrender my self blind-fold to his Conduct, but diligently search out the truth.

And indeed if men would entertain low and humble thoughts of themselves, they would seldom be mistaken, but if I think my Smile, my Nod, my kind Word, or Look, a mighty Obligation, and make a Muster of my Friends, by the List of my Flatterers and Admirers, I shall soon have a large Roll, but they will in Adversity appear to be what they are like, false Musters in Peace appear in their Ranks, and Files a full Body, but in time of necessity, and need, be like the gleanings after the Vintage, thin and of no use, and every Act of Injustice I do, will diminish the number of my Friends, even of those for whose sakes I did it, and increase the number and fury of my Enemies.

But on the other side, Exact and Impartial Justice is venerable, and lovely in the sight of God and Men, and even those that suffer by it, will when the smart is over, love and revere the man that Administred it to them, so the upright Impartial Magistrate shall in the end have fewer Enemies, and more hearty Friends than the other.

If there were nothing but this to be said for it, there were reason enough to banish

nish all our Affections, and Passions, when we sit down in the Judgment Seat, and Act as if we were then newly dropt from Heaven, without Friend, or Acquaintance, Enemy, or Injurer, but if we cannot so divest our selves of our former dispositions, it is fit to send the Parties to some other Justice, that is not in our Circumstances, or at least to be very wary, and careful what we do, and say, that we may be able to justifie our selves to God and Man, and our own Consciences.

*Covetous-
ness.*

Covetousness is another great hindrance to the Execution of Justice, and therefore the Advice of *Jethro to Moses*, *That he should provide for Magistrates, able Men, such as fear God, Men of Truth, hating Covetousness*, Exod. 18. 21. was very good and thought fit to be recorded for our Instruction; and to the same purpose was the Admonition of *Queen Elizabeth* of Famous Memory, when she advised the Justices of the Peace, that they should not deserve the Epethites of prowling Justices, Justices of Quarrels, who counted Champerty good Chevelance; sinning Justices, who did suck and consume the good of this Common wealth: and indeed they that are eagerly intent upon encreasing their own Estates, do seldom stick at any thing that

that may tend to promote their great Design, but employ as well their Authority, as their Wits to that purpose, not caring what the publick suffer, so their private Profit may be advanced by it, in order to which any thing is to be done, or omitted.

But such men (if there be any such in Authority) should do well to consider the grave advice of Bishop *Sanderson*, *Serm.* the first, *ad Magistratum*. The Private is not distinguished from the Publick; but included in it: and no man knoweth what Mischiefs unawares, he prepareth for his private Estate in the end; whilest thinking to provide well enough for himself, he cherisheth in the mean time, or suffereth Abuses in the Publick. And *Zenophon* in his Margin gives the reason; for with the Publick, all the Wealth of private persons is either saved or lost; so that the most Covetous Man if he were not short sighted, and half witted, would be the most careful to preserve what he so much valued, even for his own sweet sake, by preserving the Publick.

I know notwithstanding it is impossible to convince such men of their Duty or Interest, the Advantage is present, the Danger is remote, and at a distance, and he must make use of all opportunities to encrease his Wealth, and let them that come

after, or other men take care to secure it.

I wish therefore our Superiours would now and then look over the Commissions of the Peace, and if they find such men crept in, fairly lay them by, that they may have leisure to follow the Chase after the Eagle, that makes her Wings, and flies away towards Heaven, where few of these Thrifty Gentlemen ever come.

*Irregular
Heats and
Hopes.*

Irregular Heats and Hopes, are great hinderers of Justice, as to the first, it was well observed by Sir *William Scroggs* in his Speech to the Lord Chancellor in *Michaelmas* Term, 1676. when he was admitted one of the Justices of the Common Pleas. 'As to the discharge of my duty 'betwixt Party, it is impossible to be performed without these two Cardinal Virtues, *Temper*, and *Cleanness of hands*.

'*Temper* comprehend's *Patience*, *Humility* and *Candour*. It seems to me that 'saying, Be quick to hear, and slow to 'speak, was made on purpose for a Judge, 'no Direction can be apter, and no Character becomes him better, and he that 'would not be said to have but one Ear, 'methinks should be ashamed to have none, 'and I appeal to your Lordships Experience, 'if

' if a patient attention accompanied with
 ' indifferent parts, and a competency in the
 ' Law, with a mind fairly disposed for In-
 ' formation or Conviction, will not as to
 ' use and common benefit, exceed the pro-
 ' foundest Knowledge, and most towering
 ' Understanding, that is attended with an
 ' impetuous haſt, either out of a glory of
 ' ſpeaking, or too great a fulneſs of himſelf.
 ' And for Humility, tho I will not ſay that
 ' every impatient man is proud (becauſe
 ' that may ariſe from other Cauſes) yet e-
 ' very proud man is impatient, ſometimes
 ' of Information, alwayes of Contradiſtion;
 ' and he muſt be violent to maintain his
 ' own Imperiouſneſs.

Thus far that Great Man, whoſe words
 I rather choſe to tranſcribe than to expreſs
 my own thoughts, becauſe I expect they
 will derive a great Authority from the
 Speaker and Place, where they were ſpo-
 ken; and to my underſtanding they are
 as fit, and more neceſſary for a Juſtice of
 Peace, than for a Judg.

How ill does it become a Miſiſtrate
 who is a Miniſter of God to the People for
 Good, and ſhould be a Terror not to the
 Good but Evil: to become ſo to all that
 come near him, through his Impatience
 and Fury, ſparing neither Equals nor Infe-
 rious, and very often flying in the Face

of God Almighty, by his Irreligious and Detestable Oaths, and Imprecations, which are no unusual effects of such passions.

God Almighty is said to be slow to Anger, and of great Kindness, and that he repenteth him of the Evil, that is, the Punishment we have deserved, when he is just going to inflict it. It becomes then his Ministers to be like their Master, and to be so far from being incensed against the Innocent, and those that have not offended them, as to pity, and treat fairly the most provoking, and worst Malefactor.

The Wrath of Man worketh not the Righteousness of God, Jam. 1. 20. No how can it? A man that is of that fiery temper is like the Furnace in *Daniel*, not to be approached without danger, if God doth not restrain his fury; and he that is not able to use his own reason, and govern himself, will be less able to Govern others.

This is not said that a Magistrate should be like *Esop's* Block, and suffer himself tamely to be trodden on, no, he ought to be a Terror to Evil Works, for he beareth not the Sword in vain, *Rom. 13. 4.* But then let men fear his Justice, not his Passion, his Rebukes, and not his Taunts.

Irregular hopes are full as bad, some men do ill things by way of pre-emption, they will comply with a Brother Justice in any thing, though it be never so unjust, that he may do them the like favour at another time, or that he may at least not retaliate them with a mischief, thus they hope by Injustice to become more powerful with their Equals, and more dreadful to their Inferiours, than if they should always too stiffly stand for Truth, and Justice, they have observed that Compliance makes friends, and that inflexible honesty creates a man many Enemies, and instead of trusting to the Providence of God for their Protection, they lean to their own Wisdom, but how unsafely, the Event in the end will satisfy every man.

Some affect Popularity, and they hope by being remiss and careless in their duty, to acquire the love of the People, and gain the Title of *Moderate Men*, a good word ; but of late much abused, but then they are very often mistaken, and if they be not, what is Popular Praise but Words ? and they are nothing but Wind, a cold Reward, and as for their Love it is more fickle and unconstant than the Wind, and less to be trusted to, as they have found by sad experience in their distresses, that have relied upon it, and yet when

all is done, it is more often acquired by Justice and Truth, than by a slavish Compliance, and Flattery, because they are naturally jealous of the extraordinary condescensions of their Superiors, and look upon them as Designs.

Laziness.

The last hindrance of Justice I shall mention, is Laziness, or a dull Inactivity; Men undertake the Publick Service without considering before-hand the difficulties that attend it, and when they perceive it troublesome, and laborious to go through with the Work, and that they shall reap much ill Will, Envy, Reproach, Hatred, and Discontent for doing nothing, but their Duties, and no present Profit, they sit down discouraged, and like the weary Pilot, commit the Boat to the Waves, and the Winds, and let her drive at Random. Such men should consider, that Perseverance to the end is that which God Crowns, and that man is born to trouble as the Sparks fly upwards, and that there is as many troubles at every mans heels, as there is before him, only if he goes on bravely, and resolutely, and conquer them that stand in his way, the other shall never overtake him, but if he yields, he is sure to be crushed betwixt them, and to be destroyed ingloriously, and without pity.

Others

Others look to nothing but the Credit, Honour, and Reputation they shall gain by it, and if they can acquire the Title of Right Worshipful, and have their Neighbours stand bare-headed to them, they have their Designs. Now this is such a pitiful piece of Vanity and Folly, that it were to be wished (if there must be such) that they might be as lazy as is possible, that they may do the less mischief; but then methinks the very fear of being thought such, should rouse all that have but one Spark of true *English* Generosity, and make them study their Duties diligently, and then perform it industriously and thereby regain their Credits here, and a more excellent Reward hereafter.

SECTION VII.

THe next thing requisite in a Justice of Peace, is a competent knowledge of our Laws and Customes, for by these he is to warrant his Proceedings, and if in this part of my Discourse, I happen to commit any Error, I desire before-hand to bespeak the Readers Pardon, for I never had the happiness and honour to be a Member of any of the Honourable Inns of Court.

My Reader then need not fear I will set him upon the Purchase, or reading of all the Body of our Laws, for tho it might be useful to a Justice of the Peace, yet it is not of absolute necessity.

It is said of one of our States-men, that his Learning was not great but useful, and he did not know much, but he practised what he knew diligently, and this is an Excellent Character of a Justice of the Peace. Much knowledg may puff a man up with a high Conceit of himself, but when all is done, Honesty and Industry are the Qualities that best besit a Magistrate.

The knowledg may be attained in a small time, if a man will make it his business, and there is three effectual means for it.

1. Reading.
2. Observation and Practice.
3. Conversation and Discourse with Knowing and Experienced Men.

Natural Sagacity, and Reason may teach a Man many things, but it is an ill thing to trust to it in point of Government; the Commission of the Peace directs us to proceed, *Prout secundum legem & Consuetudinem Regni Nostri Angliæ, aut formam Ordinationum vel Statuorum Prædictorum, fieri consuevit aut debuit*, that is, as ought, and hath been used to be done, according

according to the Laws and Customes of *England*, or the Form of the Ordinances, and Statutes aforesaid, and these are not to be known without some Study, and Reading, so that he that hath an Aversion for Books, will never make a knowing Justice of the Peace, tho he may stand as a Cypher to make the number greater.

Nor will he Act with any certainty or security to himself, his business being to apply the Laws, and not to make new ones, and at one time, or other he will meet with them, who will make him sensible of his ignorance to his Cost, if he commit any great Error, and without doubt he will be Guilty of many.

It is a shame for an *English* Gentleman to be ignorant of our Laws, tho he live never so privately, they are the best part of our Inheritance, the effects of our Ancestors Prudence, the Charters of our Freedoms, not from Subjection, but Misery and Slavery under it; they are at the same times the Monuments of the Favours of our Princes, and strong Obligations to love, and serve them, and as occasion require to spend our Bloods, and Estates in their Service; for our Kings have not treated us like Vassals, or Slaves, but like their Children, laid no grievous Burthens on us, but such reasonable, and just Commands
as

as we either chose by our Representatives in Parliament, or ought to have chosen for our own goods.

But certainly they do ill deserve this happiness, who will take no pains to understand it, when they might so easily do it, being freed by their Estates from a necessity of Bodily Labour, and furnished with Money to buy Books, and leisure to read them, which is too usually spent in Luxury with greater Expence, and sometimes with the Ruines of their Lives, and Fortunes ; besides, for want of it they are the more subject to be wheadled into ill Practices against the State, and exposed to the Craft, and Rapacity of Lawyers, who teach them the value of this knowledge, by the price they pay for it.

But then Justices of the Peace are not only obliged, as they are *English-men* and Gentlemen to this Study, but as they have promised upon Oath to be Executors of the Laws, and it betrayes a great stupidity of Mind, or Irreligion, to swear to do equal right to the Poor and to the Rich, after their Cunning, Wit and Power, and after the Laws and Customes of the Realm, and Statutes thereof made, as the Form of the Oath is, and then never concern themselves to know what those Laws and Customes are, and to mind the
Statutes

Statutes of *England*, no more then they do the Edicts of *France*.

And that which renders the thing the more inexcusable, is the great pains and care many Learned Men have taken, to make Collections of those things, that are most necessary for the Justice of the Peace, so that no man can want a Tutor, if he have but a Will to learn, and they are written too with that Variety of Method, that they will fit any mans humour, who is not given up to sloath and negligence.

I can never admire enough the Learning of Mr. *William Lambard*, how nice and curious he is in his inquiries into the Origine of those Powers, that are given to the Justice of the Peace, and the reasons of them, his Brevity, and the Perspicuity of his Style, which makes him very useful, tho there have been great Additions of late, made to that Office by new Statutes.

The diligence of Mr. *Dalton* is not less to be valued, nor the Exact Method in which he hath digested so great a variety of things, which are again made more valuable by the Additions made in the Late Impressions.

How Curious and Subtle is Sir *Edward Cook*, in his readings upon the great Character

ter and other Statutes, which are of great use to a Justice of Peace, because they will give him hints, and general Rules for the interpreting, and understanding those Statutes he took no notice of, and those too that have been made since his death.

What a Vast Variety of Reading and Learning hath he shewn in the Pleas of the Crown; and yet he hath so couched and contracted it, that the Volume is but small tho the worth is inestimable.

The Exactness of Mr. *Poulton* in his Book *De pace Regis & Regni*, is much to be admired, where beginning at the root of all publick disorders, the corrupt unquiet hearts of men, he shews how they proceed from one degree to another, till Menaces, and Threatnings grow up at last into Rebellions, and Treasons, all along proving what he saith by Quotations of the best Law-Books.

Sir Mat.
Hales.

The Conciseness of the Lord *Hales* in his Pleas of the Crown, is not less to be admired, then his Integrity and Prudence, in so contracting them.

And Mr. *Chamberlain's* Complete Justice, and Mr. *Keebles* Assistance, &c. want nothing but an industrious, and grateful Age, to make both the Books, and Authors more highly valued, and indeed they cannot be too much esteemed. And

And as for the Statutes, Mr. *Keeble* hath done the Nation a mighty piece of Service, in his Exact Re-printing of them, in an excellent Table of his own, but there is in my poor judgment one thing still wanting, and that is an Index, or Table of the Statutes under those Heads or Titles, which the Justices of the Peace have occasion to use them by; which are different from the Lawyers common places, so that there should be another Table on purpose for the Justices of the Peace, which might be drawn in a Sheet of Paper: the only Person that attempted this to my knowledg, is one Mr. *Wa. Young* in a small piece stiled a *Vade Mecum*, Printed at *London* in 1660. In the beginning of which is a Table containing about five Leaves, which is of vast use for the speedy finding of any Statute that a Justice of Peace hath occasion to use, but yet it is imperfect not only as to the New, but Ancient Statutes.

There is another thing, which I have wished for, and that is an exact Collection of all those Cases, which immediately concern the Justice of Peace, in which their power, or wayes of Proceedings are called in question, out of the Year-Books and Reports, recited in the same order of time as they are there, at length, without
any

any abbreviations, and only translating into *English* such as are in *French*, which would be of great use.

Now if a man should attempt to read all these Books which I have mentioned, which relate to the Office of the Justice of Peace (the Statutes expected, which are only to be consulted upon occasion) it were no very grievous Task, and yet he might learn his Duty thence, without any other or very little help from Books.

But in the mean time it were to be wished, that some men could be perswaded to read but one of the short ones first, and then one of the larger pieces, I mean *Dalton* or *Keebles* Assistance, and then the short piece again to fix things in their Memory, and if I were worthy to advise them, it should be Mr. *Chamberlain's*, for I take that to be the very best that ever was written.

Observation
and Pra-
ctice.

As reading begins knowledg, so Observation and Practice fixes it, he that reads without reflecting upon it at the time, and noting diligently what may be useful to him afterwards, loseth both his Labour and his time, many men complain of a bad Memory, when the fault is their own, they read carelessly, and take no pains to imprint any thing upon their Minds, ei-
ther

ther then or afterwards, and then it were a wonder if they should remember what they never considered, nor understood, but read on and on and think upon something else.

Others pretend they would read more if they had a good Memory, this is a pretence only for Laziness, laying their own fault upon God and Nature, for Memory is a Natural Faculty common to men with many other Creatures; but on the other side if they would read more, and note as they go they would certainly retain a part of it, tho perhaps not so much as others do. But then there is a third sort of men who pretend to have ill Memories, who in truth never read at all, these belye their Natural Faculties, 'tis true they remember little or nothing, how should they? the Memory is but like a Store-house, in which if nothing is laid up, nothing shall ever be found, if what is good for nothing, such as is laid in will come out, and not be in the least amended there.

Observation doth something, but Practice is the great fixer of Notions in the minds of men, he that is a Natural Fool, will yet by often going away learn it at last, how much more men of Competent Natural Parts, and such only are fit to Govern others? and the truth is, they that
have

have the strongest Memories will yet in time lose their Notices of Things, if they do not excite them by Meditations, and Practice, and that sort of knowledg I am speaking of, which is not Natural, but Artificial Reason, and depends not for the most part upon the innate Principles, but upon positive Institutions, and agreed Methods, is most easily lost, so that I have ever observed the most industrious men are the most skillful, and many men who read little, but have been very much employed in business, have by that learned more then others have done by Books, only tho they had better parts, so that a Man shall rarely find a Man excellently Versed in any Practical Knowledg, that hath not fixed it, as well by exercise of it, as by Observation and Reading.

*Conversa-
tion.*

Observation and Practice fixes, but it is Conversation and Discourse with Knowing and Experienced Men that extends Knowledg, much reading dulls a Man, but discourse at once revives what a man knows, and encreaseth it by the Addition of anothers Observations too, and dispells that Melancholy which attends retirement and solitude: It confirms a man more in his Opinion, when he finds another man of the same mind, and rectifies his mistakes,

stakes, before they become dangerous to him, or to others.

But then it must be with Knowing Men, for no man can communicate to another that which he hath not, he may mislead him, or confirm him in Error, and so make his mistake more fatal; but other good he can expect little from him, except it be the diversion of his Chat.

When the Person with whom we converse, hath not only a Speculative, but a Practical Knowledge too of any thing; if he appear honest and disinterested, we may rely the better on his Judgment, and the little Stories, which he will be able to tell of things well, or ill done, will strangely dwell upon the memory, and fix things, and at the same time rectifie the Judgment too. It was well said by the Lord Bacon, *Set before thee the best Examples, for imitation is a Globe of Precepts*; and for that end were Histories written, that one Generation might learn from another, and take Example what to follow, and what to avoid; and Discourse is of the same Nature, tho not so perfect.

I may then justly detest their ill nature and folly, who when they meet with Men of Knowledge and Experience, and willing to Communicate both to them, envy and traduce them, and when they have no-

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thing

thing else to say, think to make them Odious, by saying, They love to talk, and are conceited of their own Knowledge or Abilities, and are Proud men; why, if all this were true, it is better to be Proud of Something, than of Nothing, and yet the last happens ofteneft; solid Knowledge will make a man humble, when there is nothing so conceited as Ignorance: and a communicative Man is better company, than a close churlish Nature, who values himself upon the Ignorance of others, which shall never be rectified by him. And it is usual for these men too, to learn from them, whom they thus traduce.

Secondly, I may justly reprehend them who spend all their time in tittle tattle, about their Currs, and their Kites, their Debaucheries, and Recreations, or, which is worse, in defaming their Neighbours; but if any useful Discourse is begun, that may tend to the Publick Good, or to make them wiser, or better, are ill at ease, till it be ended, turn sick, and are ready to surrender their over-charged Stomachs.

'Tis true, the Age in which we live, is learned; but if this humour prevail a little more, the next will not only be debauched, but barbarous, and ignorant.

SECTION VIII.

THe End of all that knowledge I have been discoursing of in the foregoing Section is for Practice; for that makes it truly beneficial, a Man had better be totally Ignorant of all Laws, than to Study them to find ways to defeat them; that so he may at once avoid the Directive, and Coercive Power of them. But the Great design of a Good Magistrate is a Prudent Execution of them, by observing a due Method according to Law. 1. In calling the Parties. 2. In hearing them. 3. In determining the Cause.

It is an old, and a just Complaint, that no Nation hath better Laws than this, nor hardly any that executes them worse, and yet we are possess'd with an Hydropical thirst after more, the cause of which is, that every man would be free himself, and have another bound; but of what use are the best Laws without severe Execution? If we design nothing but ostentation; in my Judgment the Book of Statutes is big enough all ready. We are almost in the same condition with the Ancient Romans, *Nec vitia nostra, nec remedia eorum ferre possumus*, we can neither bear our

great and manifold Vices, nor the Remedies of them.

And it was the Observation of a Wise man, *Corruptissima Repub. plurimæ Leges*, that most Laws were made, in the most corrupted States. But then never was any People amended with Ink, and Paper, and Laws are no more, till they be put in Execution. It was good Advice which *Tiberius* gave the Senate, that they should not teach the World by ineffectual Laws, what Vices were too strong for their Authority; for which he gives this reason, That when Men had once prevailed against that Remedy too, *Neq; metus ultra, neq; pudor est*, there was neither Fear, nor Modesty left to amend them. If we think much to Execute those we already have, to what end should we desire more? If we think it burthensome to Obey our old Laws, why should we desire to encrease the weight, except it be to shew by the breach of more, how much we despise them?

But as in the making, so in the executing of Laws, there will be occasion to make use of much Prudence, and Discretion to make a dextrous Application of the General Rule to the particular instance, and to order the Business so too (if it be possible) that the Offender may be Reformed, and not Ruined; it is impossible to
give

give any General Rule, or Advice in this Case, but it must be left to the discretion of the Magistrate. Only the Saying of the last Lord Chancellor will ever be found true. *Happy is that Government where men Complain of the strict Execution of the Laws.* And if I might presume to give the Reason it should be this; Severity prevents Offences, whereas too much lenity encreaseth them, and makes the Offender by Custom, and Time incorrigible.

When a Complaint is brought before a Justice of the Peace, his first care must be to consider diligently, whether the Case be within his Jurisdiction; for it is no unusual thing for mean People to complain to them in Cases, in which they can afford them no Relief, and it is much better to consider this at first, than when it is too late; for then a Man hath betrayed his ignorance, and indiscretion, if there happen nothing worse.

Some Men have a custom to extend their Power beyond the just bounds of it, that they may have the more Business; and others will not do what they might, and ought, either out of fear, or ignorance, or unwillingness to be Troubled; neither of these are good. It is unsafe, and often injurious too, to stretch the Jurisdiction beyond its due bounds. And it is unjust

on the other side to deny Men the Benefit of the Laws, when it is in Our Power to Right them : And therefore a Good Magistrate will avoid both the Extremes, and neither give his Neighbours Trouble to no purpose, nor spare his own Pains when he can serve his Country. And herein he will soon find the great Benefit of his Care to inform himself Exactly of his Duty, without which, it will be very difficult to determine whether he hath a right to meddle, or no ; and if he thinks he hath, it will not be amiss (at first especially, and afterwards in all doubtful Cases) to consult his Books, and so go on or desist, as he finds Cause. And the Safety will sufficiently Compensate for the Trouble.

When he is resolv'd to grant a Warrant, it is an excellent Way to enter into a Paper Book to be kept for that purpose, first the Name of the Complainant, and of the Party against whom the Complaint is brought ; and then the Complaint, in as few words as is possible, and then read them to the Complainant, that if any Mistake hath been made in the Names, or thing, it may be rectified, and then recite all this again in the Preface of the Warrant ; for I am utterly against all General Precepts (except it be in some few Cases

Cases which seldom happen) it being unreasonable to call a man to Answer to he knows not what, when if the Case had been Expressed, perhaps he could have produced Witnesses to have cleared his innocence, and so have prevented further Charge, and Trouble; and Mr. *Lambard* gives another good reason for it, viz. Because the King's Writs do always express the Cause of Complaint.

When the Warrant is once granted, it is not fit to hold any further Discourse with the Complainant, or afterwards, till both Parties appear face to face, to prevent Prejudice, and Prepossession; yet you shall have many such Complainants that will endeavour to get a Promise from the Justice of Peace beforehand, that he will Determine the Case for their Advantage, which is directly contrary to all Justice, and Honesty.

Others are as earnest to have the Warrant returnable before the Justice that granted it, and no others, which should never be easily granted, first because it includes in it a Tacit reproach of the rest, as not Men of Ability, or Honesty. Secondly, Because it defeats the intention of the Law, which hath made them numerous, that every man might have an impartial, and indifferent Judge; and yet if there be

good reason for it, it may be done; But then the Justice hath bound himself to be as kind to the other Party as he can possibly be, because he hath deprived him of the favour he might have found from another Justice of the Peace.

When the Defendant appears, read the Complaint to him, and ask him what he saith to it; and if he confess it, then there will need no Proof; if he deny it, endeavour to find out the Truth, as far as is possible without Oaths to avoid Perjury, by cross Examining of all Parties, and if the Truth can so be found out, the pains is well spent, but if it cannot, Oaths must be given.

When the Matter of Fact is once stated, then have recourse to the Statutes, or Books, as the Case requires, and read them to the Parties, that the Law may pass the Sentence, for this instructs and satisfies all Parties, and shews that you have done them no wrong, and it is of great use too to the Justice of Peace, and makes the Statutes, and Books very familiar to him; and gives him a good Assurance, that he hath not done amiss.

Then Enter in the same Book the Appearance of the Parties, the Evidence given, and the Determination thereupon made, as short as is possible, and dismiss them.

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Some may imagine, that this Keeping of a Book is very troublesome, but if they would try it, they would find the contrary; when the Art of making short Entries is once learned; and yet if it were, the Use would out-weigh the Labour. For First, It inables a Man to answer for his Actions many years after, which were impossible without it. Secondly, It prevents forgetting his Business before it be ended, which many do for want of it, who bind Over men to the Sessions, and forget the Business before they come, and then can give no reason for it. Thirdly, It inables a Man sometimes to discover his own Errors by an after-reflexion on his own Actions, and the Reasons of them. Fourthly, He may at any time shew what Sentence was pass'd in any Case, by which I have seen new Quarrels that were arising prevented. And if just upon a Sessions they be all read over, he shall have a Prospect of all he hath done that Quarter; which will be of great use. I know many of these things are not of absolute Necessity, but upon Trial, I perswade my self, they will appear so useful, that no man will repent the Experiment, especially no new Beginner, who is concern'd to be more careful, because he is more subject to Mistake.

The *Statutes* are so numerous, and withal so variously Penned, that it will be impossible to remember them exactly, and so it will be necessary to Consult them frequently upon all Occasions, and in order to the speedy finding them, the Table I mentioned in the last Section will be of great use, and the Justice, who takes these Methods, will find the Benefit of them so great in a small time, that he will never leave them; but the other and shorter ways are so uncertain, and subject to Error, that no man can avoid committing fatal Mistakes, who follows them.

In this Part of our Business Two things are to be avoided, Unnecessary Delays, and Precipitated Hast.

There is very little difference betwixt *denying*, and *delaying* Justice; only the latter is less injurious, for then the Party may go to another Justice, or desist, without much Expence of time, which is of great value to Poor Men; whereas the making them dance Attendance from time to time to no purpose, may do them more Wrong than that of which they complain. And an Over-hasty Determination of a thing before it be well understood, is no less injurious; and therefore carefully to be avoided.

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I will Conclude this Section with a few Excellent Rules of the Lord Bacon's.

1. *Seek to make thy course Regular, that Men may know beforehand what to Expect : but be not Positive, and Peremptory.*

2. *Express thy self well when thou goest from thy Rule.*

3. *Imbrace and invite Helps, and Advices touching the Execution of thy Place : and do not drive away such, as bring thee Information as Medlers; but accept of them in good part.*

4. *Give easie access. 2. Keep times appointed. 3. Go through with that which is in hand. 4. And interlace not Business but of Necessity.*

I will only add this, that what I have Written in this Section, is intended only for the private Hearing in the Hall, and no where else in the main; and that it is offered to Consideration, and not prescribed as of Necessity.

SECT.

SECTION IX.

Of Oaths.

AS the Justice of Peace enters his Office with the taking Three several Oaths, which are included in the *Dedimus Potestatem*, viz. The Oath of Supremacy, and of Allegiance, and that belonging to his Office; So he hath very frequent Occasions to Administer Oaths to others in the Execution of it; and therefore it befits him to study well the Nature, and Obligation of an Oath, that he may Preserve himself, and others (as much as in him lyes) from the Sin of Perjury.

It might therefore not seem impertinent to Discourse something of both of them in this place, but that more Learned men than I, have prevented me in it, and it is impossible for Me to say any thing, which hath not been said before on this Account.

Instead of which, I am rather inclined to deplore the Miseries of the Age, and Nation in which we live; for it may be that since the Creation of the World, there is not one to be found in which Perjury and Disregard of the Obligation of all Oaths, have taken such Deep rooting, and become so Epidemical, and General,

If we inquire into the Reasons of it, we shall find two, which have contributed especially to it, *Factions, and Irreligion.*

The Popish Faction led the Way, and long since by Papal Dispensations taught Christians to play fast, and loose with those dreadful ties, which honest Heathens revered, and trembled at; and to Uphold their tottering Greatness, Decreed at last, That *Faith was not to be kept with Hereticks*; a Doctrine which they have since most religiously observed, when it hath been safe as they thought, whether to their greater Infamy, or Dammage, I shall not now inquire.

The Dissenters at length imbraced (in the beginning of our late Confusions) the same Opinion, and being to undertake a War against their King; were Necessitated to absolve themselves from the Oath of Allegiance they had made to him, and afterwards the same Necessity brought them to take the *Covenant* which was contrary to that Oath, the *Engagement* which was contrary to both; and so on they went Swearing Contradictions, and imposing them upon the People, till nobody did any longer regard what they Swear to, and they became so Perfidious too, and distrustful of each other, that this *Perfidy and Perjury* in which they had put their
greatest

greatest trust by a just Judgment of God upon them, ruined all their Designs, and brought their Affairs into such Confusion, that they were forced to Submit to His Majesty, and accept a Pardon from him; whom they had abjured, but a few Months before.

But the Nation being once infected with this Leprosie of Perjury, tho' one cause was gone, the War, yet the Factions kept up the Distemper; partly to secure themselves against the Laws made against them, and partly in hopes to make great use of it in another Revolution, which they have lived in Expectation of ever since.

So they Minted new Doctrines, That it is better to Trust God (*i. e.* to try whether he will be as good as his Word, and Punish them for false Swearing) than Man. That it was a less Sin (if it were any) for a Man to forswear himself, than to betray a Godly Brother to the Wicked, or to inform against him to his loss.

And as they taught, so they practised, they took all Oaths, and kept none; And if any body was scrupulous, and fearful, they tried what Perswasion would do; if that failed, they fell to close Revenges, Defamations, Suits at Law on other Pretences, and all the Ways they could, till at last partly for Love, partly for Fear, they brought

brought incredible Numbers of Men to Perjure themselves for them.

Thus our *Ignoramus* Juries, our Perjured Constables, our Conforming-Nonconforming Ministers, our Sacramentary distinctions into Legal, and Spiritual Sacraments; our Moderate Magistrates so call'd, and our Journeyman Freemen were produced.

So that by degrees things are now come to that pass, that no man can tell how to trust his Life, his Honour, his Fortunes, to the truth of a Witness, or Jury; for Men have learned to serve themselves in their private Concerns of the same Engine that have wrought such wonderful Effects in the Publick; and the Contagion hath spread it self so vastly, that there is hardly any security left.

Nor have the Dreadful Judgments of God upon the first Inventers, the learned Writings, and Sermons of the conformable Clergy, nor any thing else that could yet be thought of been able to put a stop to it.

Nay the Atheism, and Irreligion, which the Observation of all this impious Villany hath produced, joyned with the Debauchery of the Times, have given a great increase to it; so that now not only the demure Hypocrite forswears himself for
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the Glory of God , and the Good of his Children ; but the Atheist, when there is occasion, doth it by their Example, for his Own sweet sake, and his Friends.

But what will be the Effect of all this ? Without Oaths there can be no Administration of Justice , no Determination of Controversies , and without Truth, and Honesty in those Oaths , there can be as little Justice in the Event. That Perjury that did a man a Kindness to day , may ruin him to morrow , and in probability will do so. Besides , no man almost can mannage a Perjury so cunningly , but that it will be known, not only to God, but to some Men, who will afterwards distrust and hate that Man to the day of his Death; even the Party, for whom he did it, will be forever after jealous of him. So that a Man that is once guilty of this Sin , if he be not prosecuted for it by Publick Justice, will yet be infamous, and suspected by all his Neighbours ; so that if Men were Wise, tho' they did not fear God, yet to avoid the Hatred, and distrust of Men , they would avoid this detestable Sin of Perjury.

But if they could conceal it from the Knowledge of all Mankind, can they deceive their own Consciences too ? no sure; and if they did but mind it, they should find

find many, who have afterwards had so deep and grievous a sense of this Sin, that they have put an end to their own Lives to escape the fury of it, others have died Distracted, and Dispairing, and those, that have recovered by the Mercy of God, have yet many of them lived miserable, unfortunate, uncomfortable lives ever after.

And after all this the Judgments of God Almighty come up in the Reer with a Vengeance so much more heavy as it is the slower. It is observed by the Author of the Wisdom of Solomon (*Chap. 14. v. 30, 31.*) that those Heathens, who swore falsely by their Idols, were yet for those Perjuries punished by the true God. *For it is not (saith he) the Power of them by whom they swear: but it is the just Vengeance of Sinners, that punisheth always the offence of Sinners.* If the true God seemed thus careful to preserve Religion amongst Men by avenging the Injuries, that were done to false Gods by those that worshipped them as true, which he often did in pity to the deceived World, because without Religion Communities would degenerate into Bands of Thieves and Herds of Beasts, each one preying upon another, and keeping no more Faith, than Necessity could enforce, (as is well observed by the Author of *The Life of Agathocles*) than by a

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necessary Consequence he is much more obliged to assert his own honour basely abused by Pretended Christians, and we may be sure he will, for he hath never yet failed to do it.

How many Princes trusting to the Papal Absolutions have been destroyed by their own Perjuries? what did the Emperor gain by the breach of his Faith at the Council of *Constance*, or any other Prince since? what did our Dissenters Gain by all their Perjuries between 40 and 60? what are they the better for all those they have procured or abetted since, is not the hand of God against them in all they undertake, defeating all their Projects, and Designs, and making them every day more Odious, than others?

For my part, I do not fear that perjurious Projects will ever prevail, or do any body any good: but the Crime being spread so vastly, I fear a National Judgment, a Calamity that shall be as general as the Sin, and then no man will be free from suffering the sad Effects of it, tho' those that have procured it, will smart most by it; and this is enough to oblige every good Man, that loves his Countrey, (especially all Magistrates) to stand in the gap, and to prevent the further Growth of it, as much as is possible by discountenancing

nancing it, and punishing it too, as occasion serve.

Some are of Opinion, this Sin might be stopped by a severe Law against it, but I am of another mind; and I heartily believe more innocent than guilty Men would suffer by it, if we had such a Law, because these wicked Wretches make Parties to uphold one another, and will lay things so well together, that it is almost impossible to discover the Cheat; and then as for Oaths to prove them, that they never want; whereas good Men are not so vigilant, suspecting as little ill, as they mean, and so would be more exposed to the force of such a Law.

But as for Publick Officers (especially Constables, and such like) I wish together with their Oaths they might be compelled to enter a Recognizance of the same Condition with their Oaths, which if it were but of small value as X, or XX *lib.* it would work much upon them, and in a great measure put a stop to this Impiety; for some that do not reverence an Oath wou'd yet fear to forfeit their Recognizance; and in time Religion would return and take away the necessity of such double Obligations.

As for Private Concerns there is excellent provision made by a late Statute,

29 *Car. 2. Cap. 3.* and the extending it to a few more particulars might be very useful ; and till this can be done , Men must commit as little, as is possible to Verbal Testimonies, by taking all things they can in Writing.

2. Another of the best, and most effectual means that is left to stop this inundation of Perjury , is for Magistrates to express a great detestation of it , not only by their words, as Occasion serve, but by their Actions too, by shewing themselves to be exceeding Careful not to do any thing, that is contrary to their Oaths, and sometimes giving that for a reason of it ; for that makes a greater impression upon the Minds of Men, than any words without it, because it is at once a Verbal and a Practical Declaration, and their Authority will make it the more taken Notice of and regarded.

The Oaths of Supremacy, and Allegiance are so frequently Administred , that I need not take any further notice of them here, but that which more immediately concerns the Justices of the Peace, is as followeth.

YE shall Swear that as Justice of the Peace in the County of C. in all Articles in the King's Commission to you directed, you shall do Equal Right to the Poor, and to the Rich, after your Cunning, Wit and Power, and after the Laws and Customs of the Realm, and Statutes thereof made: and ye shall not be of Council of any quarrel hanging before you: and that ye shall hold your Sessions after the form of the Statutes thereof made. And the Issues, Fines and Amerciments that shall happen to be made; and all Forfeitures which shall fall before you, ye shall cause to be entered without any Concealment (or imbesilling) and truly send them to the King's Exchequer; ye shall not let for Guist, or other Cause, but well and truly you shall do your Office of Justice of the Peace in that behalf: And that you take nothing for your Office of Justice of the Peace to be done, but of the King; and Fees accustomed, and Costs limited by the Statute: And ye shall not direct, nor cause to be directed any Warrant (by you to be made) to the Parties, but ye shall direct to the Bailiffs of the said County, or other the King's Officers (or Ministers) or other indifferent Persons, to do Execution thereof. So help you God.

You shall do **Egal** right] the very way of Writing which word **Egal** instead of **Equal**, shews this Oath is of great Antiquity, and that it hath been very carefully Transcribed, when there have been so much scruple made of changing a G. into a Q. according to the Latin, and our present Authography, and it would be a burning shame to us, if we that are Sworn should be less careful of the Articles in it, than the Clerks have been of the Letters.

And that ye shall hold your Sessions] how they can Answer it, to God or Man I know not, who reside in any County; or act as Justices of the Peace in it, and yet never appear at any Sessions by the space of many years together, without any lawful excuse, or hindrance, or those who come and take the King's Wages, and before half the Business is done, betake themselves to the Tavern, leaving two or three to finish, and conclude the Business; so that if any Controversie arise, it must be left to another time, or ended as it can, rather than as it ought, it is true neither of these Disorders can be Punished by the Court, but then it is because the Law supposeth, that Men of that Quality will not need it, but will religiously observe their Oath, so that the fault is so much the greater; because

cause it cannot be Punished, but by God only.

I shall not make any more Reflections on this Oath, because this whole Discourse is but a kind of Commentary upon it, and whatever I have omitted is taken notice of by *Lambard*, and other Writers.

But the Care of a Magistrate ends not in himself, but is to extend to Others, and therefore he ought to take great heed, that he minister none, but Lawful and Necessary Oaths. Secondly, That if he find Men ignorant, he give them good Advice, and sharp Reproofs in case of the least failure.

By Lawful Oaths, I mean such as the Laws, and Customs of *England* will allow him to give; and therefore before he take an Oath, he ought to consider whether he have Power to do it; for tho' he hath a great, yet he hath not an unlimited Power, as is manifest by that Parenthesis which is so frequent in our Statutes (*which Oath the said Justices are by this Act Authorized to Administer*) which is repeated almost, as often as a new Power is given them, and for the most part in these very words. And yet I doubt not, but when good Reason requires where ever they may Hear and Determine, they may do it upon Oath

tho the Statute doth not so Express it ; for they are to take the best care they can that they be not deceived in what they do by false Information, to which end an Oath may be sometimes absolutely necessary.

But Magistrates are not only to avoid Giving Oaths in all Cases where they have no Authority ; but also in as many of the rest, as they can ; I have read that the *Turkish* Country-Magistrates which are like our Justices of the Peace, Determine almost all Cases without Oaths, and yet (if they are not corrupted by neither Party) will by Queries, observing the looks of Men, when they Answer. Laying things together, and comparing one thing with another, and by making all the several Parties tell the Story one after another, or so much of it as they know, by these, I say, and such like Methods, they will so pick out the Truth, that no Oath could do it half so well. Now I know this Way is troublesome, and will take time, but it will discover the Truth sometimes, when Oaths would not, and save the Perjury too, and so is worth the while. And I have observed also, that Men who are in Passion one against another, do little regard the Religion of an Oath, and yet their
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very Passion will discover the Truth without one, if a Magistrate will have but a little Patience, and give them time and liberty of Speech : but on the contrary, Men do generally revere an Oath when they are quiet, and undisturbed, and a Magistrate may best give an Oath when they are in that temper, and rely upon the truth of what they say.

Secondly, Oaths would not be given in things that are not of some Moment ; It is good to hear what a Person can say before he is Sworn, and if it be nothing to the purpose, then not to Swear him at all ; but if it be, then to Swear him, and bid him tell the Story the second time, and observe if he vary, by which means the Truth may be often found out.

Thirdly, It is good to bring things into as narrow a compass, as is possible by observing, wherein the Parties agree, and wherein they differ before any Oath be given, and this will determine many Cases without an Oath, the Parties agreeing at last about the Matter of Fact ; and if it will not, that only in which they differ is to be proved upon Oath, which will be liable to less hazard of Perjury than the whole.

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If the Justice of Peace observes the Party who is to take an Oath be ignorant, or young, it is good to shew him the Nature of it in short plain words, and to tell him the Danger, and great Sin of Perjury, and how severe God is against it, and for that purpose to Alledge the Third Commandment, or some other such like short place of Scripture, which will have great effect upon untainted minds.

If he finds at any time after an Oath given, that any thing is spoken that is not truth by the Party Sworn, it is good to give the Party a grave sharp reproof at least.

It is an usual thing not to grant a Warrant of the Peace, but upon Oath that the Party who requires it, doth not do it upon Malice, but purely out of fear. Yet if it be well observed, there will be found many Instances of Perjury in that case. And therefore I think it were much better to grant a Warrant to shew cause why the Surety of the Peace should not be granted, and so Examine the pretended fear when both the Parties are face to face, than to pursue the old Method of Swearing the Complainant, and then making the Warrant absolute; Especially, if there

there be not a grievous hurt, or some other apparent cause for it. I have often found by this way of proceeding, that I have prevented Perjury, and delivered an Innocent, and sometimes an Injured Person from Vexation; for it is no unusual thing for ill Men to Swear the Peace against others by way of Prevention, when they have given them too much cause to do it to themselves: and at other times by way of revenge; when they have for good cause been forced to find Sureties. Now in such instances as these, it is good to prevent men from being actually forsworn, even when they are too much disposed to it.

And when all this care is taken, there will be many Perjuries committed, how much more when there is none of it? But the Justice of the Peace when he hath done what he could to prevent it, may comfort himself, and believe that God will not lay another mans Sin, which he could not hinder, to his Charge: but if he Swear men rashly, and without due precaution, he as well as they must without doubt bear a part of the blame in the sight of God.

The Conclusion.

AND now I have with the greatest brevity I could, run thorough all those Particulars, I thought fit to Discourse on, in relation to my Subject, and tho' it might have been better done by an abler Person, yet never did any man enter upon any thing with more sincere, and candid intentions for the Publick good.

And all that remains, is to perswade those that are or shall be **Justices of the Peace**, to reflect seriously upon what I have Written, and then if they do not approve of my thoughts, they may yet give them occasion of others, and in all likelihood much better, and it may also possibly excite some other Person to do it better, and so oblige the World, and me in the first place.

But in the mean time, I humbly beseech all Magistrates, that they would seriously consider Three things :

First, That they are the Ministers of God, and that is so honorable a Title, that *Constantine* the Great took much Pride in it ; but then it will become them

them, that Wear it to act as such, for God is a severe Judge of Unprofitable Servants, and much more of slothful and wicked ones, for whom he hath provided a Punishment equal to the greatness of their offence, and the dishonour they do him.

And on the other hand, none shall enjoy more happiness in Heaven, than they who have not only been good themselves, but have laboured to make others such, by governing them with Prudence, and Discretion here on Earth.

Secondly, They are the Representatives of their King, and it is the greatest Disloyalty, and Infidelity imaginable to pretend to Serve him, and then Dishonour him to his People, and deceive him in the Trust reposed on them.

Thirdly, The People whom they are to govern, will certainly rise up in Judgment against them, if they mislead or misuse them; for tho' perhaps they cannot help themselves for the present whatever injuries they suffer, yet their Redeemer is mighty; and with him is no respect of Persons.

And when all this is seriously thought of, I do not fear that they will treat their

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Monitor unkindly, who had no other design in this, than to make them happy here, and hereafter, by exposing those Vices that prevail more in general, upon Men for want of Precaution, than out of any Affection they have to them.



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A Prayer.

O Thou who art the Sovereign Judg of the World, seeing it hath pleased thee to call me into the Number of the inferior Judges in it, Grant, that I may administer Justice truly and indifferently, to the punishment of Wickedness and Vice, and to the maintenance of thy true Religion and Virtue. And, to that end, enlighten my Understanding, that I may choose what is Just, and Right in thy sight, without respect of Persons; and pursue the same with Courage, and Industry. Quiet all Divisions amongst us, that we may not hinder each other, nor dishonour thee by our Contentions. Set a Watch, O Lord, before my Mouth, and a Door with a Guard about my Lips. Give me a meek, patient, humble spirit, that I do nothing through Strife, or Vain-glory, but that I may patiently hear, and submit to the reasons of others. And finally, in all things direct thy Servant into those things which may tend most to thy Glory, the good of thy Church, the Service of our Sovereign, and the Peace and Happiness of my Country, that when I shall appear before thy Tribunal to receive an Eternal Sentence, I may not perish forever, but that thou mayest Remember me for Good, and spare me in that day. Grant this, O Blessed Judg and Saviour, for thy own sake. Amen.

FINIS.